

TSD File Inventory Index

Date: March 7, 2000

Initial: C. M. K. was

Facility Name: <u>Conover Chemical Company (Illinois)</u>			
Facility Identification Number: <u>IND 041 888 992</u>			
A.1 General Correspondence <u>A.1.1-A.1.3-A.1.8</u>	1	B.2 Permit Docket (B.1.2)	
A.2 Part A / Interim Status <u>A.2</u>	1	.1 Correspondence <u>B.1.1-B.1.2</u>	1
.1 Correspondence	Y	.2 All Other Permitting Documents (Not Part of the ARA) <u>See B.1.1</u>	
.2 Notification and Acknowledgment	Y	C.1 Compliance - (Inspection Reports) <u>See C.2</u>	
.3 Part A Application and Amendments	X	C.2 Compliance/Enforcement <u>C.2 (3)</u>	3
.4 Financial Insurance (Sudden, Non Sudden)		.1 Land Disposal Restriction Notifications	
.5 Change Under Interim Status Requests		.2 Import/Export Notifications	
.6 Annual and Biennial Reports		C.3 FOIA Exemptions - Non-Releasable Documents <u>C.3</u>	1
A.3 Groundwater Monitoring		D.1 Corrective Action/Facility Assessment	
.1 Correspondence		.1 RFA Correspondence	
.2 Reports <u>A.3.4-A.3.5</u>	1	.2 Background Reports, Supporting Docs and Studies	
A.4 Closure/Post Closure		.3 State Prelim. Investigation Memos	
.1 Correspondence <u>A.4.1-A.4.2-A.4.5</u>	1	.4 RFA Reports <u>D.1.4</u>	1
.2 Closure/Post Closure Plans, Certificates, etc <u>See A.4.1</u>		D. 2 Corrective Action/Facility Investigation	
A.5 Ambient Air Monitoring		.1 RFI Correspondence	
.1 Correspondence		.2 RFI Workplan	
.2 Reports		.3 RFI Program Reports and Oversight	
B.1 Administrative Record		.4 RFI Draft /Final Report	

Total - 11

.5 RFI QAPP		.6 CMI QAPP	
.6 RFI QAPP Correspondence		.7 Lab Data, Soil-Sampling/Groundwater	
.7 Lab Data, Soil-Sampling/Groundwater		.8 Progress Reports	
.8 RFI Progress Reports		D.5 Corrective Action/Enforcement	
.9 Interim Measures Correspondence		.1 Administrative Record 3008(h) Order	
.10 Interim Measures Workplan and Reports		.2 Other Non-AR Documents	
D.3 Corrective Action/Remediation Study		E. Boilers and Industrial Furnaces (BIF)	
.1 CMS Correspondence		.1 Correspondence	
.2 Interim Measures		.2 Reports	
.3 CMS Workplan		F.1 Imagery/Special Studies (Videos, Photos, Disks, Maps, Blueprints, Drawings, and Other Not Oversized Special Materials.)	
.4 CMS Draft/Final Report		G.1 Risk Assessment	
.5 Stabilization		.1 Human/Ecological Assessment ...	
.6 CMS Progress Reports		.2 Compliance and Enforcement ...	
.7 Lab Data, Soil-Sampling/Groundwater		.3 Enforcement Confidential	
D.4 Corrective Action Remediation Implementation		.4 Ecological - Administrative Record	
.1 CMI Correspondence		.5 Permitting	
.2 CMI Workplan		.6 Corrective Action/Remediation Study ...	
.3 CMI Program Reports and Oversight		.7 Corrective Action Remediation Implementation ...	
.4 CMI Draft/Final Reports		.8 Endangered Species Act	
.5 CMI QAPP		.9 Environmental Justice	

Note: Transmittal Letter to Be Included with Reports.

Comments: _____



CONSERVATION CHEMICAL COMPANY

OF
ILLINOIS

105 West 11th Street
Suite A
Lawrence, KS 66044
(913)842-7424

May 12, 1995

U.S. EPA, Region V
RCRA Enforcement Branch, 5HR-12
230 South Dearborn Street
Chicago, IL 60604

United States Attorney for the
Northern District of Indiana
4th Floor Federal Building
507 State Street
Hammond, IN 46320

United States Department of Justice
Environmental Enforcement Section
Case Ref No 90-11-2-136
PO Box 7611
Ben Franklin Station
Washington DC 20044

Indiana Department of Environmental
Management
Office of Solid and Hazardous Waste
Hazardous Waste Management Branch
105 South Meridian Street
PO Box 6015
Indianapolis IN 46206-6015

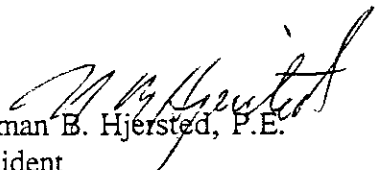
Re: Compliance of Requirements: Consent Decree
USA vs. CCCI and Norman Hjersted
Civil No H86-9; US District Court;
Northern District of Indiana
Hammond Division

Dear Sirs:

Pursuant to the requirements set out in the Consent Decree referenced above, you will find all required documents included with this mailing.

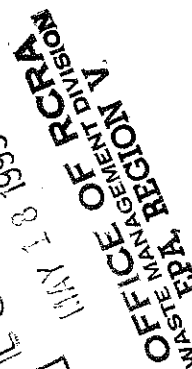
Should anything further be required, please advise.

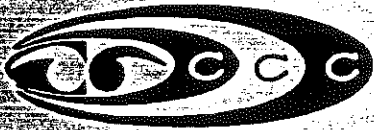
Very truly yours,


Norman B. Hjersted, P.E.
President

NH/sc

Enclosures





CONSERVATION CHEMICAL COMPANY

COVENANT OF SETTLING DEFENDANT

105 West 11th Street
Suite A
Lawrence, KS 66044
(913)842-7424

I, Norman B. Hjersted, do hereby covenant and warrant that I have fully and accurately disclosed to the United States the following: (1) the current annual income of Norman Hjersted, CCCI, Conservation Chemical Company and Midland Resources, Inc.; (2) the current location and amount of all monies owned by Norman Hjersted, CCCI and Midland Resources, Inc. including cash on hand, and monies in bank accounts; (3) the current location, type, and estimated market value of all assets of Norman Hjersted, CCCI and Midland Resources, Inc. including but is not limited to all real property and personal property which includes but is not limited to household furniture and goods, automobiles, and intangible property such as securities, accounts receivable and life insurance policies. I further covenant that I have not sold, conveyed, transferred, or otherwise disposed of any of my assets beyond the normal course of business or in payment of routine personal expenses within the last five years without full disclosure to the United States.

Norman B. Hjersted
Norman B. Hjersted

Date: 5-16-95



STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

On this 16 day of May, 1995, before me Marcia Diane Moore, the undersigned officer, personally appeared Norman B. Hjersted, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he voluntarily executed the same for the purposes therein expressed.

In Witness Whereof, I hereunto set my hand.

Marcia Diane Moore
Notary Public

1994

ITEMS NEEDED TO COMPLY WITH ANNUAL EPA REQUIREMENTS FOR
CCCI SETTLEMENT - REQUIRED THROUGH JANUARY 28, 1996

INCOME STATEMENTS AND BALANCE SHEET:

☒ N. B. Hjersted
☒ Conservation Chemical Company of Illinois
☒ Conservation Chemical Company
☒ Midland Resources, Inc.

LOCATION OF MONIES:

☒ N. B. Hjersted
☒ Conservation Chemical Company of Illinois
☒ Conservation Chemical Company
☒ Midland Resources, Inc.

LOCATION AND VALUE OF ASSETS:

SEE FINAL INVENTORY STATEMENT
☒ N. B. Hjersted
See Monies Conservation Chemical Company of Illinois
See Monies Conservation Chemical Company
☒ Midland Resources, Inc.

INSURANCE PROCEEDS:

None Shown N. B. Hjersted
☒ Conservation Chemical Company of Illinois
☒ Conservation Chemical Company
☒ Midland Resources, Inc.

TAX RETURNS:

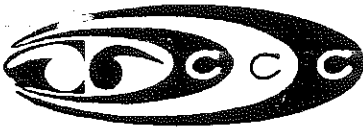
☒ N. B. Hjersted
☒ Conservation Chemical Company of Illinois
☒ Conservation Chemical Company
☒ Midland Resources, Inc.

TRUST FUND:

☒ Copy of CCCI Trust Fund

AFFIDAVIT:

☒ From Settlement Agreement



CONSERVATION CHEMICAL COMPANY

O F
I L L I N O I S

706 Massachusetts
Suite 208
Lawrence, KS 66044
(913)842-7424

April 29, 1994

RECEIVED

MAY 6 1994

U. S. EPA Region V
RCRA Enforcement Branch, 5HR-12
230 South Dearborn Street
Chicago, IL 60604

OFFICE OF RCRA: Z 776 337 786
Waste Management Division
U.S. EPA, REGION V

Re: Compliance of Requirements: Consent Decree
USA vs. CCCI and Norman Hjersted
Civil No. H86-9; US District Court;
Northern District of Indiana; Hammond Division

Dear Sirs:

Pursuant to the requirements set out in the Consent Decree referenced above, you will find all required documents included with this mailing.

Should anything further be required, please advise.

Very truly yours,

Norman B. Hjersted
Norman B. Hjersted, P.E.
President

Enclosures


cc: United States Department of Justice
Environmental Enforcement Section
P. O. Box 7611
Ben Franklin Station
Washington, D.C. 20044
Case Ref. No. 90-11-2-136

United States Attorney for the
Northern District of Indiana
U.S. Courthouse
4th Floor Federal Building
507 State Street
Hammond, Indiana 46320

Indiana Department of Environmental
Management
Office of Solid and Hazardous Waste,
Hazardous Waste Management Branch
105 South Meridian Street
P. O. Box 6015
Indianapolis, Indiana 46206-6015

COVENANT OF SETTLING DEFENDANT

I, Norman B. Hjersted, do hereby covenant and warrant that I have fully and accurately disclosed to the United States the following: (1) the current annual income of Norman Hjersted, CCCI, Conservation Chemical Company and Midland Resources, Inc.; (2) the current location and amount of all monies owned by Norman Hjersted, CCCI, Conservation Chemical Company and Midland Resources, Inc. including cash on hand, and monies in bank accounts; (3) the current location, type, and estimated market value of all assets of Norman Hjersted, CCCI, Conservation Chemical Company and Midland Resources, Inc. including but not limited to all real property and personal property which includes but is not limited to household furniture and goods, automobiles, and intangible property such as securities, accounts receivable and life insurance policies. I further covenant that I have not sold, conveyed, transferred, or otherwise disposed of any of my assets beyond the normal course of business or in payment of routine personal expenses within the last five years without full disclosure to the United States.

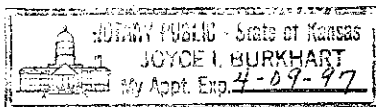

Norman B. Hjersted

Date: April 29, 1994

STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

On this 29th day of April, 1994, before me Joyce I. Burkhart, the undersigned officer, personally appeared Norman B. Hjersted, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he voluntarily executed the same for the purposes therein expressed.

In Witness Whereof, I hereunto set my hand.




Notary Public



CONSERVATION CHEMICAL COMPANY

O F

I L L I N O I S

706 Massachusetts

Suite 208

Lawrence, KS 66044

(913) 842-7424

FAX: (913) 842-3150

April 28, 1993

U.S. EPA Region V
RCRA Enforcement Branch, 5HR-12
230 South Dearborn Street
Chicago, IL 60604

Re: Compliance of Requirements: Consent Decree
USA vs. CCCI and Norman Hjersted
Civil No. H86-9; US District Court;
Northern District of Indiana
Hammond Division

RECEIVED

APR 30 1993

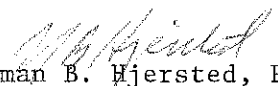
**OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA REGION V**

Dear Sirs:

Pursuant to the requirements set out in the Consent Decree referenced above, you will find all required documents included with this mailing.

Should anything further be required, please advise.

Very truly yours,


Norman B. Hjersted, P.E.
President

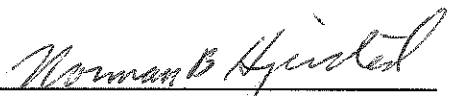
jib

Enclosures

cc: United States Department of Justice
Environmental Enforcement Section
P. O. Box 7611
Ben Franklin Station
Washington, D.C. 20044
Case Ref. No. 90-11-2-136

COVENANT OF SETTLING DEFENDANT

I, Norman B. Hjersted, do hereby covenant and warrant that I have fully and accurately disclosed to the United States the following: (1) the current annual income of Norman Hjersted, CCCI, Conservation Chemical Company and Midland Resources, Inc.; (2) the current location and amount of all monies owned by Norman Hjersted, CCCI, Conservation Chemical Company and Midland Resources, Inc. including cash on hand, and monies in bank accounts; (3) the current location, type, and estimated market value of all assets of Norman Hjersted, CCCI, Conservation Chemical Company and Midland Resources, Inc. including but not limited to all real property and personal property which includes but is not limited to household furniture and goods, automobiles, and intangible property such as securities, accounts receivable and life insurance policies. I further covenant that I have not sold, conveyed, transferred, or otherwise disposed of any of my assets beyond the normal course of business or in payment of routine personal expenses within the last five years without full disclosure to the United States.


Norman B. Hjersted

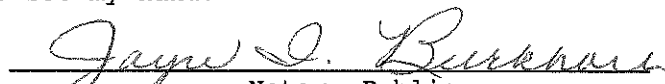
Date: April 26, 1993

STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

On this 26th day of April, 1993, before me Jayne I. Burkhardt, the undersigned officer, personally appeared Norman B. Hjersted, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he voluntarily executed the same for the purposes therein expressed.

In Witness Whereof, I hereunto set my hand.




Notary Public

1. Susan Sylvester
2. Rick Karl OSF

Kathleen G. Sullivan
Richard J. Sullivan



CONSERVATION CHEMICAL COMPANY

IND 040 888 992

O F
ILLINOIS
RECEIVED

MAY 18 1992

706 Massachusetts
Suite 208
Lawrence, KS 66044
(913) 842-7424
FAX: (913) 842-3150

May 14, 1992

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

U.S. EPA Region V
RCRA Enforcement Branch, 5HR-12
230 South Dearborn Street
Chicago, IL 60604

CERTIFIED MAIL
P 796 921 528

Re: Compliance of Requirements: Consent Decree
USA vs. CCCI and Norman Hjersted
Civil No. H86-9; US District Court;
Northern District of Indiana
Hammond Division

Dear Sirs:

Pursuant to the requirements set out in the Consent Decree, we are to disclose insurance proceeds. Upon further review of our records, Midland Resources, Inc. received \$1,248.45 for wind damage to the roof on the St. Louis property.

If you have any questions or need further information, please contact Barbara Holmes at 913/842-7424.

Sincerely,

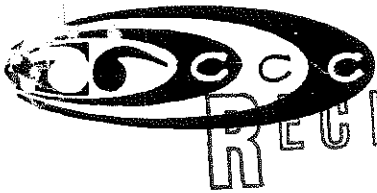
N B Hjersted

N. B. Hjersted, P.E.
President

jib

cc: United States Department of Justice
Environmental Enforcement Section
P. O. Box 7611
Ben Franklin Station
Washington, D.C. 20044
Case Ref. No. 90-11-2-136

B. J. Simon



CONSERVATION CHEMICAL COMPANY

O F

706 Massachusetts,
Suite 208

APR 30 1992

I L L I N O I S

Lawrence, KS

(913) 842-7424

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

April 29, 1992

U.S. EPA Region V
RCRA Enforcement Branch, 5HR-12
230 South Dearborn Street
Chicago, IL 60604


Re: Compliance of Requirements: Consent Decree
USA vs. CCCI and Norman Hjersted
Civil No. H86-9; US District Court;
Northern District of Indiana
Hammond Division

Dear Sirs:

Pursuant to the requirements set out in the Consent Decree referenced above, you will find all required documents included with this mailing.

Should anything further be required, please advise.

Very truly yours,


Norman B. Hjersted, P.E.
President

jib

Enclosures

cc: United States Department of Justice
Environmental Enforcement Section
P. O. Box 7611
Ben Franklin Station
Washington, D.C. 20044
Case Ref. No. 90-11-2-136

ITEMS NEEDED TO COMPLY WITH ANNUAL EPA REQUIREMENTS FOR
CCCI SETTLEMENT

FINANCIAL STATEMENTS

X N. B. Hjersted
X Conservation Chemical Company of Illinois
X Conservation Chemical Company
X Midland Resources, Inc.

LOCATION OF MONIES

X N. B. Hjersted
X Conservation Chemical Company of Illinois
X Conservation Chemical Company
X Midland Resources, Inc.

LOCATION AND VALUE OF ASSETS

X N. B. Hjersted
X Conservation Chemical Company of Illinois
X Conservation Chemical Company
X Midland Resources, Inc.

INSURANCE PROCEEDS

X N. B. Hjersted
X Conservation Chemical Company of Illinois
X Conservation Chemical Company
X Midland Resources, Inc.

TAX RETURNS

X N. B. Hjersted
X Conservation Chemical Company of Illinois
X Conservation Chemical Company
X Midland Resources, Inc.

TRUST FUND

X Copy of CCCI Trust Fund at Mission

AFFIDAVIT

X From Settlement Agreement

COVENANT OF SETTLING DEFENDANT

I, Norman B. Hjersted, do hereby covenant and warrant that I have fully and accurately disclosed to the United States the following: (1) the current annual income of Norman Hjersted, CCCI, Conservation Chemical Company and Midland Resources, Inc.; (2) the current location and amount of all monies owned by Norman Hjersted, CCCI, Conservation Chemical Company and Midland Resources, Inc. including cash on hand, and monies in bank accounts; (3) the current location, type, and estimated market value of all assets of Norman Hjersted, CCCI, Conservation Chemical Company and Midland Resources, Inc. including but not limited to all real property and personal property which includes but is not limited to household furniture and goods, automobiles, and intangible property such as securities, accounts receivable and life insurance policies. I further covenant that I have not sold, conveyed, transferred, or otherwise disposed of any of my assets beyond the normal course of business or in payment of routine personal expenses within the last five years without full disclosure to the United States.

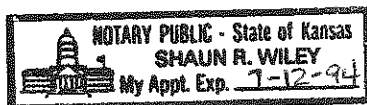
N B Hjersted
Norman B. Hjersted

Date: April 29, 1992

STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

On this 29 day of April, 1992, before me Shaun R. Wiley, the undersigned officer, personally appeared Norman B. Hjersted, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he voluntarily executed the same for the purposes therein expressed.

In Witness Whereof, I hereunto set my hand.



Shaun R. Wiley
Notary Public



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5CS-TUB3

MEMORANDUM

SUBJECT: Documentation of Settlement for
United States of America v. Conservation
Chemical Company of Illinois;
Civil Action No. H 86-9
(Northern Dist. Indiana Hammond Div.)

FROM: Roger C. Field
Acting Chief
Solid Waste and Emergency Branch

TO: William E. Muno
Associate Director
Office of RCRA

Ivars P. Antens
Chief
Financial Management Branch

DATE: FEB 05 1991

On January 28, 1991, the United States District Court for
the Northern District of Indiana, Hammond Division entered a
Consent Decree, settling the litigation referenced above.
Attached is a copy of the Conservation Chemical Company of
Illinois Consent Decree for your records.

Pursuant to this Consent Decree, defendants will, inter
alia, deposit into the Closure Trust Fund, the sum of \$40,000.00,
payable by certified or cashier's check. The Closure Trust Fund
is the fund that is established pursuant to the Closure Plan and
managed by the Trustee pursuant to the terms set forth in the
Closure Plan and 40 C.F.R. Part 264, Subpart H, § 264.143, and
329 IAC 3-22-4.

If you have any questions regarding this case, please
contact Cynthia N. Kawakami (FTS/886-0564) of this office.

will be entered that requires RCRA closure and monitoring of the Hardin County Landfill or prehearing exchanges will be filed by February 22, 1991. (K. Bardo 6-7566)

US v. CCCI et al. On January 28, 1991, the U.S. District Court for the Northern District of Indiana entered a consent decree settling the RCRA lawsuit in which the government had obtained summary judgement on liability of both a corporation and an individual defendant. The settlement directs assets into a closure fund and terminates when all payments are made. CERCLA coverage at the CCCI site in Gary, Indiana is generally unaffected by this decree. (J. Boyle 6-4444, REB and M. Fulghum 6-5313, ORC)

Midwestern Drum Service, Inc. On January 18, 1991, a Consent Agreement and Final Order (CAFO) was signed by U.S. EPA to settle a November 24, 1989, administrative complaint issued against Midwestern Drum Service, Inc., of Venice, Illinois. The CAFO requires the facility to submit to IEPA, for approval, revised closure plan(s) for all drum storage areas and the sludgemaster, and to complete closure in accordance with the approved closure plan; comply with all generator, treatment, storage, and disposal facility requirements; submit a Waste Minimization Plan; and to pay the full amount of assessed penalty (\$112,125) over a period of 3 years. (B. Russell 3-7922)

Attachment

cc: Section Chiefs
M. Ryan

Significant Action

On November 6, 1989, Judge James T. Moody, U.S. District Court, Northern District of Indiana, granted the United States motion for partial summary judgement on the issue of liability at the Conservation Chemical Company of Illinois (CCCI), located in Gary, Indiana. Judge Moody made the following conclusions and rulings in his partial summary judgement:

1. Both CCCI and Norman Hjersted (owner of CCCI) are liable under RCRA as "operators" of the CCCI facility located in Gary, Indiana. Norman Hjersted is also personally liable under RCRA for the facility.
2. CCCI is liable under RCRA for all basins (surface impoundments) at the facility which contained hazardous waste after the effective date of RCRA, even if the hazardous waste was disposed prior to the effective date of RCRA.
3. Material placed into Basin 19 is a "listed" hazardous waste (K062 - spent pickle liquor), not a "characteristic" hazardous waste. On one occasion the "listed" hazardous waste was also "characteristic" with a pH of 1.8.
4. Basin 19 contained hazardous waste and thus CCCI is a land disposal facility. RCRA regulations governing land disposal facilities are applicable to the CCCI facility.
5. CCCI is liable for failing to submit a substantially acceptable closure plan in a timely fashion.
6. CCCI lost interim status on November 8, 1985, for failing to submit certification of compliance with groundwater monitoring and financial responsibility requirements for its land disposal facility.
7. CCCI failed to submit two copies of a closure plan within 15 days of CCCI's loss of interim status on November 8, 1985.
8. CCCI violated numerous RCRA interim status regulations at its Gary, Indiana facility.
9. Summary judgement in favor of the United States is appropriate.

Judge Moody did not rule on the issue of remedies or penalties. A trial date has been set for January 8, 1990.

REB Contact: Rick Hersemann 886-7562

ORC Contact: Mary Fulghum 886-5313



U.S. Department of Justice

DTB:WAH:jws
90-11-2-136

Washington, D.C. 20530

October 11, 1988

Jon McPhee
Assistant Regional Counsel
EPA Region V
230 South Dearborn Street
Chicago, Illinois 60604

Sally Swanson
EPA Region V
230 South Dearborn Street
Chicago, Illinois 60604

Re: United States v. CCCI

Dear Sally & Jon:

Enclosed is a copy of the proposed decision and order we filed on September 30, 1988, as well as a copy of what Rundio filed on the same date.

As you know, trial is set for February 27, 1988, with the pretrial on January 27th. I will be in touch regarding trial preparation.

Sincerely,

Assistant Attorney General
Lands and Natural Resources
Division

By:

A handwritten signature in blue ink, appearing to read "B. Hutchins".

William A. Hutchins, Attorney
Environmental Enforcement Section



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

RECEIVED
AUG 15 1988
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

August 5, 1988

Mr. Bernie Orenstein
Indiana Project Officer
U.S. EPA, Region V
5HS-13
230 South Dearborn Street
Chicago IL 60604

Re: Inspection of Conservation Chemical
Gary, Lake County

Dear Mr. Orenstein:

This is to confirm our August 2, 1988, conversation concerning the FY 88 Grant commitment to conduct a compliance evaluation inspection (CEI) at Conservation Chemical Company, Gary, Indiana.

As you know, the Conservation Chemical site is closed, the only activity being surveillance by Mr. Bill Simes of your agency following an emergency removal. The site is not accessible for inspection unless arrangements are made with Mr. Simes.

For the past three months, Mr. Ted Warner of my staff has attempted to make arrangements to inspect the facility. Mr. Simes's office has been called on several occasions and Mr. Warner's calls have not been returned. As a consequence, the third quarterly commitment to inspect the facility was not met.

In a further attempt to arrange for the inspection, I requested your assistance to set up an inspection date and to establish what level of protection was required to enter the site. It was my understanding that the inspection was scheduled for August 4, 1988. As a last minute confirmation of the arrangements, Mr. Warner contacted Ms. Anne Budich of the RCRA Enforcement Branch. He was advised that Mr. Simes was not prepared to meet him at the site, except during one of his visits every two weeks. Therefore, the August 4th date was not satisfactory.

We are concerned with the lack of communications exemplified by the above incident. Besides not being able to meet our Grant commitment for land disposal facility inspections for the third quarter, Mr. Warner had prepared for and scheduled the inspection for the pre-arranged date. Additional staff time will be consumed in rescheduling the inspection. Of additional concern is the fact that there are hazardous wastes that are being stored at the Conservation Chemical site under less than desirable conditions and it does not appear to be clear whether the RCRA program or the CERCLA program is to

An Equal Opportunity Employer

Mr. Bernie Orenstein

Page 2

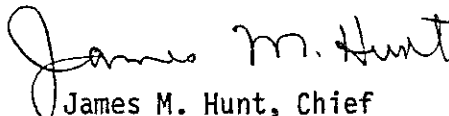
August 5, 1988

assume responsibility for monitoring the site. In the meantime, how effectively are we protecting public health and the environment?

We are again requesting your assistance in resolving this issue. In addition to arranging for the inspection, we need guidance on what level of personal protection is required at the site.

If you have any questions concerning this situation, please call me at AC 317/232-4535.

Very truly yours,



James M. Hunt, Chief
Compliance Monitoring Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

JMH

cc: Mr. Bill Simes
Mr. Thomas Russell
Mr. Ted Warner
Mr. Dave Berrey
FY 88 Grant File

LOF

NAME

Jeff Stevens

DATE 8-10-88

FY 1988 HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT LOG

Ver 2/10/8

1. EPA ID: IND 040888992

NEW

UPDATE

2. HANDLER NAME: Conservation Chemical

3. ADDRESS: 6500 Industrial Highway, Gary IN

5. Date of initial evaluation which is the basis for this report: 8/10/88

5a. Agency responsible for evaluation:

E = EPA S = State C = Contractor
O = Other B = Contractor/State
X = Oversight

5

6. Type of Evaluation Covered in this Report: 1 = CEI (Compliance Eval. Inspection)
...select type and enter here:

3

2 = Sampling Inspection
3 = Record Review
4 = CME (Comprehensive GWM Eval.)
5 = Compliance Sched. Eval.
11 = Case devel. inspection
12 = O&M inspection

Optional Evaluations:

6. Citizen Complaint insp.
7. Part B call-in insp.
8. Part A withdrawal insp.
9. Closed Facility/Units insp.
10. Other general insp.

7. Date of evaluation covered by this report (if different from #5 above)

7a. Eval. Comments:

8. CLASS AND VIOLATIONS:

Key:

X = violations, no specialties
B = violations and specialty
S = same violation or specialty
Z = pending determination
O = no violation or specialty found

SPECIALTIES:

I = No insurance only
C = CA Schedule Violation
R = 3008h-like release
* = Class I only

Cls of Viol

Class I

Class II

Accepted Codes for Data Input - see full list at left.

VIOLATIONS OR RELEASES

	GWM	C/PC	FIN	PT B	CMPL	MAN	L BAN	OTH
Class I			S					
Class II								
Accepted Codes for Data Input - see full list at left.	X S Z O R* B*	X S Z O	X S Z O I* B*	X S Z O	X S Z O C B	X S Z O	X S Z O	X S Z O

8a. Viol. comment: Referred to IDEM Enforcement on 4-14-87 for deficiencies in trust funds. Prior 9. ENFORCEMENT ACTIONS: deficiencies in liability coverage referred to USEPA on 3/86.

Class	Area of Viol	Type of Action	Date Action Taken	Compliance Dates: Scheduled	Actual	Penalty Assessed	Collected	Resp. Agency
1	FR	18						

E = EPA
S = State
X = EPA Oversight

Codes for Types of Enforcement Actions:

01- Interim Status Compliance Letter
02- '3007' Information Request
03- Warning Letter
04- Administrative Complaint
05- Final Administrative Order
06- 3013 Admin. Order (initial) or State equiv.
07- 3013 Admin. Order (final) or State equiv.
08- 7003 Admin. Order or State equivalent
10- Informal Action11- Filed Civil Action
12- Filed Criminal Action
13- NOV to State (Viol. are referred by EPA to the state for action as a result of an EPA evaluation.)
14- NOV to EPA
15- CA Initial Administrative Order
16- CA Final Administrative Order
17- CERCLA 106 Administrative Order (EPA only)
18- Civil Referral to AG or DOJ
19- Final Judicial Order
20- CERCLA 106 fund financed activity

10. Enforcement Comment: Entire case now in hands of US DOJ.



U.S. Department of Justice

United States Attorney
Northern District of Indiana

Federal Building
507 State Street
Hammond, Indiana 46320-1577

May 13, 1988

Sally K. Swanson
U.S. Environmental Protection Agency
230 South Dearborn
Chicago, Illinois 60604

Dear Ms. Swanson:

Please be advised that the trial for the United States of America v. Conservation Chemical Company of Illinois, scheduled for June 6, 1988, has been continued. Therefore, your presence will not be required at that time.

We will, however, notify you when we receive the new trial date and expect you to appear then. Thank you for your cooperation in this matter.

Sincerely,

JAMES G. RICHMOND
United States Attorney

By:

Andrew B. Baker, Jr.
Andrew B. Baker, Jr.
Assistant United States Attorney

ABB/jo

2-6-75

United States Department of Justice

UNITED STATES ATTORNEY
April 14, 1988

Sally K. Swanson
U.S. Environmental Protection Agency
230 South Dearborn
Chicago, Illinois 60604

Dear Sir:

You are a witness in behalf of the Government in the cases(a) specified below.

This letter is sent to you in lieu of service of subpoena. Please accept service of this notice by acknowledging same on the lower part of the duplicate hereof and return to me in the enclosed self-addressed envelope which requires no postage.

When you appear in answer to this letter please report to the address indicated below in order that your attendance may be certified. Upon being excused, you will be entitled to such fees and allowances as are provided by law.

Very truly yours,

Andrew B. Baker, Jr.
Asst. United States Attorney

Please report: Date 6-6-88 Time 8:30 a.m.Address: 507 State Street, 4th Floor, Hammond, Indiana 46320

Case No.	Title of Case	Action (Trial or Grand Jury)
H 86-9	USA v. Conservation Chemical Company of Illinois, et al	Trial

TO UNITED STATES ATTORNEY:

I accept service of this notice in lieu of subpoena and will be present accordingly at the time and place designated above.

(Witness Signature)

Kevin



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

RECEIVED
MAY 21 1988
U.S. EPA REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

March 29, 1988

Mr. Bernie Orenstein
Indiana Project Officer
U.S. EPA, Region V
5HS-13
230 South Dearborn Street
Chicago, IL 60604

Re: Compliance Evaluation Inspection
Conservation Chemical Company (IND040838992)
Gary, Lake County

Dear Mr. Orenstein:

On February 25, 1988, Mr. Ted Warner of my staff attempted to conduct a compliance evaluation inspection at Conservation Chemical Company (CCC) in accordance with our grant commitment for the second quarter of FY 88. Mr. Warner was unable to complete the inspection because the facility is inactive and there was no representative on site to make the records available and answer questions.

We have attempted on several occasions to contact Mr. Bill Simes, U.S. EPA On-Site Coordinator for CCC, to arrange for an inspection. As of this date, we have not been able to contact Mr. Simes. Consequently, the inspection has not been completed.

We are requesting your assistance in arranging for a representative of the Emergency Response Branch, U.S. EPA, Region V, to accompany Mr. Warner on an inspection of the CCC facility. The purpose for U.S. EPA'S presence would be to identify the hazardous wastes currently on site, to explain the ongoing hazardous waste management activities and to make the RCRA-required records available for inspection.

Please contact me at AC 317/232-4535 to arrange for an inspection date and time. Your assistance is appreciated.

Very truly yours,

James M. Hunt

James M. Hunt, Chief
Compliance Monitoring Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

*Rick,
Pls. send a copy
of this to SIMES*

JMH/rmw

Kevin

cc: Mr. Thomas L. Russell
Mr. David W. Berrey An Equal Opportunity Employer
Mr. Ted F. Warner
Mr. Joe Boyle, U.S. EPA ✓

PREINSPECTION FILES AUDIT
CHECKLIST

UDF

QJB

DATE: 11/21/88

BY: TFW

COMPANY: Conservation Chemical Co.

LOCATION: Industrial Hwy, Gary, Lake Co.

I.D.#: IND 1 040 1 838 1 992

TYPE: ---G---T---TSD---UI (CIRCLE)

A. GENERAL

	<u>YES</u>	<u>NO</u>	<u>NA</u>
1. FEDERAL NOTIFICATION ON FILE?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. FEDERAL PART A ON FILE?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. CLOSURE PLAN REVIEWED?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. CONTINGENCY PLAN REVIEWED?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. ANNUAL REPORT REVIEWED?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. NOTIFICATION DATA

1. Waste codes listed:

F001 thru F009
K049 - K062 - K063

C. WASTE APPROVAL INFORMATION:

1. List waste amounts and landfill approved

N/A

Waste

Emerg Resp Branch

~~232~~
353-2000 (Mike Strimbu →

D. FEDERAL PART A; STATE PART A (Handling Codes)

(Resolve Differences During Inspection/Visit)

	<u>FEDERAL</u>			<u>STATE</u>		
	CODE	AMT	UNIT	CODE	AMT	UNIT
1	501	100,000	G			
2	502	620,000	G			
3	701	25,000	g/d			
4	504	600,000	G			surface imp.
5						

E. CLOSURE/POST-CLOSURE(check against fed/state part A)

1 ANY CLOSED UNITS Y/N: If yes, describe:

F. COMPLIANCE HISTORY

- 1 Date of last two(2) inspections: 3/10/86 3/28/85
- 2 List all past enforcement actions(CO, NOV, LOW, BY TYPE & DATE)
complaint cause no. N-264
Federal complaint
- 3 List unresolved enforcement actions/violations:
(If none, so state; Check past inspection sheets!!!!!!)

- 4 List any compliance schedules items not as yet completed:
(include due dates)

G. COMMENTS

By Cappillo

closure plan - approved 8-13-87

3.6 million for the treatment of cyanide +
precipitation materials

NOTE: IDENTIFY COMMENTS BY SPECIFIC AREA (i.e. closure, compliance). These will be the things to look for during the inspection visit.

TSD - RCRA INSPECTION REPORT

EPA ID # IND 040 838 992 NAME Conservation Chemical Co.

MAILING ADDRESS: _____

LOCATION ADDRESS: 6500 Industrial Highway
Gary, Ind.

CONTACT: U.S. EPA, Mr. Bill Sime PHONE: 312/353-2000

OWNERSHIP: CCC COUNTY: Lake

STATUS CODE: 5/9 1=Active 3=Dead Mail 4=PCB handler
6=non-handler 2=Obsolete ID # 9=Superfund site
5=Out of business

ACTIVITY: (This should reflect the actual functioning of the facility)

LQG ☒ SQG _____ CEG _____ TRANSPORTER _____ TSD _____ UI _____ EPA

TRANSPORTERS: Air _____ Rail _____ Hwy _____ Water _____ Other _____

HAZARDOUS WASTE FUEL : Gen mktg burner _____ other mktr _____ burner _____
OFF SPEC USED OIL FUEL : Gen mktg burner _____ other mktr _____ burner _____
SPEC USED OIL FUEL MKTR : _____
BURNING DEVICE : Util boiler _____ Indus boiler _____ Indus furn _____

Person(s) interviewed: _____ Title: _____ Telephone: _____

Inspector(s): _____ Agency: _____ Telephone: _____
Ted Warner IDEM 317/232-4518
Bill Sime EPA 312/353-2000

Date of inspection: April 17, 1989 Time of inspection: 1:00 p.m.
Maureen O'Mara Weston Inc. 312-993-1067

Installation Processes by Process Code (EPA Form 3510-3)

S01	Container storage	T03	Incinerator treatment
S02	Tank storage	T04	Other treatment
S03	Waste pile storage	D79	Injection well disposal
S04	Surface impoundment storage	D80	Landfill disposal
T01	Tank treatment	D81	Land application disposal
T02	Surface impoundment treatment	D83	Surface impoundment disposal

If Part A process codes are listed above as T04 please describe the process involved below:

- 1) Indicate any hazardous waste processes, by process code, which have been omitted from Part A of the facility's permit application. (HWIMS 610)
- 2) Indicate any hazardous waste processes (by process code and line number on EPA Form 3510-3 page 1 of 5) which appear to be eligible for exclusion per 40 CFR 265.1(c). Provide a brief rationale for the possible exclusion.
- 3) Type of Operation, Products Manufactured, Processes Utilized, Size of Operation, Concentrate on processes that produce waste (hazardous or non-hazardous)!

This site has been closed for several years. See trip reports.

- 4) If any of the wastes are managed in the manners listed below, please check those areas and utilize the provided appendices.

	<u>YES</u>	<u>NO</u>
A) Waste Oil Fuel - Appendix A	—	—
B) Lead Acid Batteries - Appendix B	—	—
C) Hazardous Waste Fuel - Appendix C	—	—
D) Precious Metals - Appendix D	—	—
E) Use Constituting Disposal - Appendix E	—	—
F) Tanks	—	—
G) Use and Management of Containers	—	—

5HE-12

DEC 01 1987

Mr. Bill Hutchins
U.S. Department of Justice
Land and Natural Resources Division
Environmental Enforcement Section
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Dear Mr. Hutchins:

Enclosed, please find a copy of the letter from Jacobs Engineering Group Inc., dated November 17, 1987, regarding Contract No. 68-01-7351, Work Assignment No. 493, Conservation Chemical, Gary, Indiana. Also, enclosed is a copy of Janet Jones' resume. IT Corp. has proposed Ms. Jones as a replacement for Gary Woody.

I will phone you at a later date to discuss the enclosures. If you have any questions or comments you may reach me at (312) 886-4454.

Sincerely yours,

Sally K. Swanson, Chief
Enforcement Programs Unit #2

Enclosure

5HE-12:RRS:6-8093:11-21-87

INIT. DATE	TYPE	AUTHOR	OTHER STAFF	UNIT CHIEF	SECT. SECY	SECT. CHIEF	HWEB CHIEF	WMD DIR
RS 11-24-87				SKS 11-25-87				



JACOBS ENGINEERING GROUP INC.
ENVIRONMENTAL SYSTEMS DIVISION

222 S. RIVERSIDE PLAZA - SUITE 1870 CHICAGO, ILLINOIS 60606

312-648-0002

November 17, 1987

Ms. Sally Swanson
TES IV Regional Contact
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604

Re: **Contract No. 68-01-7351**
Work Assignment No. 493
Conservation Chemical
Gary, Indiana
CERCLA, Region V

Dear Ms. Swanson:

Enclosed is a copy of Janet Jones' resume which was forwarded to Jacobs by IT Corporation. As Gary Woody has left IT Corporation, they are proposing that Ms. Jones take on the expert witness/consultant tasks assigned to Mr. Woody for Work Assignment Number 493, Conservation Chemical.

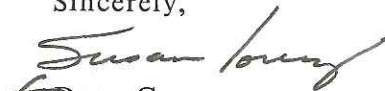
Mr. Woody is currently pursuing a doctorate degree, and is doing some consulting on an independent basis in the interim period. We were able to locate Mr. Woody, and he expressed an interest in pursuing this project. His address and phone number is:

5908 Magazine Road
Knoxville, Tennessee
37920
(615) 573-4937

If you wish to subcontract Mr. Woody in lieu of IT Corporation, please let us know and we will make the necessary arrangements.

If you have any questions or require further information, please feel free to call me at (312) 648-0002.

Sincerely,


for Dean Geers
Manager, Region V

DG/jai

Encl.

JANET M. JONES

Professional Qualifications

Ms. Jones is a chemist experienced in the collection and analysis of environmental samples. Her recent experience includes management of a laboratory in Florida with responsibilities ranging from sales and marketing through sample collection, analysis, report and invoice preparation. Instrumental experience includes atomic absorption spectrophotometry (flame and flameless techniques), inductively coupled argon plasma, gas chromatography and total organic carbon analysis. She has experience with wet chemical techniques and environmental microbiology. As Sales and Customer Services Representative, she acted as liaison between customers and laboratory personnel, as well as promoting new business through telephone inquiries from potential customers. She is experienced in laboratory Quality Assurance/Quality Control (QA/QC) procedures and data review. Her writing experience includes data reports, Standard Operating Procedures, proposals, and QA project plans.

Education

B.A. (with honors), Chemistry, University of Tennessee, Knoxville, Tennessee; 1980
Flameless Atomic Absorption Analysis, Instrumentation Laboratories, Atlanta, Georgia; 1981
1982 Winter Conference on Plasma Spectrochemistry, Orlando, Florida; January 1982
American Management Association course, "The Basics of Telephone Selling Techniques"; April 1986

Experience and Background

1987 - Inorganic Analyses Coordinator, IT Corporation, Knoxville, Tennessee.
Present Responsible for the following:

- Supervising the AA/ICP laboratory.
- Providing technical support to the Water/Wastewater laboratory.
- Supervising and/or performing sample preparation, analysis, data reporting, and departmental QC review for the metals laboratory.
- Analysis techniques include atomic absorption, atomic emission, graphite furnace AA, cold vapor AA for mercury, and inductively coupled plasma.

1986 - QA/QC Coordinator, IT Corporation, Knoxville, Tennessee. Responsible
1987 for all quality assurance functions pertaining to laboratory operations. Specific job duties include: initiating and supervising on-going QA programs; entering intralaboratory and external QC samples into the sample stream; determining and maintaining accuracy and precision data; writing and reviewing QA/QC programs, project plans, proposals, reports

and Standard Operating Procedures; initiating, establishing, and maintaining preventive maintenance programs, corrective actions, method R&D, new employee QC training programs, and sample receipt and preservation protocols; handling matters pertaining to ITAS accreditations, certifications, and outside QA audits and inspections; and supervising inventory and quality control of reagents, calibration standards, and Standard Reference Materials.

- 1984 - Sales and Customer Services Representative, IT Corporation, Knoxville, Tennessee. Responsible for normal telephone inquiries from potential clients, including intercompany requests, quoting prices and answering client requests on sample status. Works with sales and marketing on proposals.
- 1983 - Laboratory Manager, Envirolab, Briley, Wild & Associates, Ormond Beach, Florida. Responsible for marketing and client relations, sample collection, sample analysis, report and invoice preparation. Analytical departments included atomic absorption, gas chromatography, total organic carbon, wet chemistry, and microbiology.
- 1984
- 1980 - Group Leader, Atomic Absorption, IT Corporation, Knoxville, Tennessee.
- 1983 Responsible for scheduling technicians, sample preparation and all analyses by atomic absorption (flame and flameless) and inductively coupled argon plasma.
- 1979- Accounting Clerk, Plasma Alliance, Production Statistics, Knoxville, Tennessee.
- 1980 Responsible for plasma inventory control. Also prepared expense reports and cash reports.
- 1977 - Office Assistant, University of Tennessee, Knoxville, Tennessee.
- 1979 Responsible for general office duties including typing, filing and reception for two U.T. departments - math and athletics.
- 1976 - Assistant Bookkeeper, Frank Wylie Realty, Knoxville, Tennessee.
- 1977 Responsible for maintaining and balancing the books for all departments including rental properties. Also worked as backup receptionist.

Professional Affiliations

American Chemical Society
Florida Society for Environmental Analysts

Hutchins, W

McDERMOTT, WILL & EMERY

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

111 WEST MONROE STREET

CHICAGO, ILLINOIS 60603-4067

312/372-2000

TELECOPIER 312/984-7700

TELEX 25-3565, 210079

CABLE MILAM

101 NORTH MONROE STREET
TALLAHASSEE, FLORIDA 32301

904/222-2312

1850 K STREET, N. W.
WASHINGTON, D. C. 20006

202/887-8000

ONE POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109
617/357-0200

700 BRICKELL AVENUE
MIAMI, FLORIDA 33131
305/358-3500

FIRST NATIONAL BANK BUILDING
SPRINGFIELD, ILLINOIS 62701
217/522-7200

LOUIS M. RUNDIO, JR.
312/984-7710

September 24, 1987

Mr. William Hutchins
Trial Attorney
U.S. Department of Justice
Land & Natural Resources Division
Environmental Enforcement Section
Room 7318
10th & Pennsylvania, N.W.
Washington, DC 20530

Dear Bill:

The following is the information regarding the purchase by Midland Resources, Inc. of bulk storage tanks from Conservation Chemical Company of Illinois. Tanks which have been sold are Tank Nos. 48, 49, 56, 58, 59, 60, and 61. Used tanks of construction and size similar to Tanks 48 and 49 have a current market price of about 10 cents per gallon of capacity. The other tanks were purchased by Conservation Chemical Company of Illinois in 1985 for 6 cents per gallon of capacity. Enclosed is a copy of the bill of sale for the transaction.

Please let me know as soon as possible the name and telephone number of the contact person for access to the Gary facility so that Midland Resources, Inc. can ship its tanks to its St. Louis facility.

Very truly yours,

Lou
Louis M. Rundio, Jr.

LMR:km
Enclosure

90-11-2-136

42	DEPARTMENT OF JUSTICE SEP 28 1987 LANDS	RECORD
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LANDS DIVISION
POLLUTION/ENFORCEMENT

BILL OF SALE

On August 21, 1987, Conservation Chemical Company of Illinois agrees to sell the items in Schedule A to Midland Resources, Inc.

The items are sold "as is" and are presently located at the Gary, Indiana facility. The cost to dismantle and move the items is the full responsibility of Midland Resources.

Arrangements to move the items must be approved with the proper government agencies now securing this facility.

The selling price is \$.06 per gallon of capacity for tanks 59, 60, 61, 56, 58 and \$.10 per gallon for tanks 48 and 49. The itemized prices are listed on Schedule A.

The total of \$12,510 is due and payable upon acceptance of this agreement.

SCHEDULE A

<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total</u>
3	12' Diameter x 42' long rubber-lined 37,500 Gallon Tanks	\$2,250	\$ 6,750
2	12' x 25' FRP 21,000 Gallon Tanks	2,100	4,200
2	9' x 25' RL 13,000 Gallon Tanks	780	<u>1,560</u>
			<u>\$12,510</u>

MIDLAND RESOURCES, INC.

Name

Title

Date

M B Hentel
President

9-2-87

CONSERVATION CHEMICAL CO. OF ILLINOIS

Name

Title

Date

M B Hentel
President

9-2-87

2-6-75

UNITED STATES ATTORNEY
August 25, 1987Sally K. Swanson
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Dear Sir:

You are a witness in behalf of the Government in the cases(a) specified below.

This letter is sent to you in lieu of service of subpoena. Please accept service of this notice by acknowledging same on the lower part of the duplicate hereof and return to me in the enclosed self-addressed envelope which requires no postage.

When you appear in answer to this letter please report to the address indicated below in order that your attendance may be certified. Upon being excused, you will be entitled to such fees and allowances as are provided by law.

Very truly yours,

Andrew B. Baker, Jr.
Andrew B. Baker, Jr.
Asst. United States AttorneyPlease report: Date 9-14-87 Time 8:30 a.m.
Address: 507 State Street, 4th Floor, Hammond, Indiana 46320

Case No.	Title of Case	Action (Trial or Grand Jury)
H 86-9	USA v. Conservation Chemical Company of Illinois, et al.	Trial

TO UNITED STATES ATTORNEY:

I accept service of this notice in lieu of subpoena and will be present accordingly at the time and place designated above.

(Witness Signature)

United States District Court
for the
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA

vs.

CONSERVATION CHEMICAL COMPANY
OF ILLINOIS, et al.

CAUSE NO. H 86-9

FILED

AUG 18 1987

Entry for August 18, 1987

Honorable JAMES T. MOODY, Judge

AT _____ M
RICHARD E. TIMMONS, CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

It Is Ordered by the Court that the above entitled cause be and the same is hereby
RESCHEDULED for Jury Trial on Monday, September 14, 1987 as a
2nd civil setting on a trailing calendar commencing at 8:30 a.m.
The previous setting of Tuesday, September 8, 1987 is ORDERED
STRICKEN from the Court's calendar.

COPIES TO: COUNSEL OF RECORD

RECEIVED
UNITED STATES ATTORNEY

AUG 18 1987

86-2007
REC 9

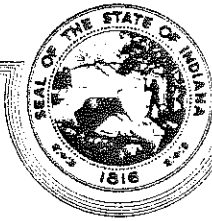
RE. CONSERVATION CHEMICAL
MEETING: IDEM DOWN TOWN

DATE: JUNE 24, 1987

DENNIS ZAWODNI	IDEM	317/232-3407
Bob Cappiello	" "	317/232-3291
Bill Hutchins	US DOJ	202/6633-4091
Rick Hersemann	U.S. EPA	312/886-7567
Sally Swanson	U.S. EPA	312-886-4454
Noel T. Anderson	IDEM	317-232-8719
ANDREW B. BAKER, JR.	U.S. ATTORNEY	219/937-5215
Mike Schafer	Ind Air	(317) 232-5663
Ernie Gregg	IDEM	(317) 232-8844
David Harmon	IDEM	(317) 232-8877

STATE OF INDIANA

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS. 46225

105 South Meridian Street

M E M O R A N D U M

TO: The Honorable Linley E. Pearson
Attorney General

Attention: Mr. Harry J. Watson, III
Coordinator, Environmental Law Section

FROM: Nancy A. Maloley, Commissioner
Department of Environmental Management

SUBJECT: Request for Representation

It is hereby requested that you appoint an attorney to represent the staff of the Office of Solid and Hazardous Waste Management and the Department in the matter of Conservation Chemical Company, Inc. We are requesting that your office prepare a Motion to Intervene as soon as possible in the U.S. Environmental Protection Agency's suit against Conservation Chemical.

This suit was filed in United States District Court, Northern District of Indiana, on January 6, 1986, against Mr. Norman B. Hjersted and Conservation Chemical Company (Civil Action H86-9). Mr. Thomas Russell of this office was contacted on January 9, 1986, by Messrs. Jon McPhee, Counsel, U.S. EPA, Region V, and William Sierks, Trial Attorney, U.S. Department of Justice, with the request that the State of Indiana intervene in this action.

Conservation Chemical has entered a Motion to Dismiss, which asserts that only the State has jurisdiction over the review and approval of closure plans and related activities pursuant to RCRA and 320 IAC 4.1. Because there is some precedent for this defense, our intervention will assure the Judge that the relief sought in this action is appropriate.

Please take the necessary steps as soon as possible for this agency to become a formal party in this Cause.

TLR/tjd

cc: Mr. Jon McPhee, U.S. EPA, Region V
Mr. William Sierks, U.S. Department of Justice
Ms. Sally Swanson, U.S. EPA, Region V ✓
Mr. Dennis Zawodni
Mr. Terry Gray
Mr. Ted Warner

Meeting concerning CCCI - 12/19/85

Frances McChesney

WALTER S. FRANCIS

Sally K. Swanson

Marc Fedell

Catherine Nichols

Bill Sierks

Tom McPha

Lou Rendis

M. B. Giersted

EPA - HQ

RCA - ENF.

Region V - RCRA Enforcement Section

Region V - Office of Regional Counsel

Region V - Assistant Regional Counsel

US Dept of Justice

USEPA Region V

Mr. Dermot Milt & Emery

Conservation Chem. of Ill.

BRIEFING PAPER
CONSERVATION CHEMICAL CORP. OF ILLINOIS

On November 8, 1985, the Hazardous and Solid Waste Amendments of 1984 (HSWA) became effective, amending the Resource Conservation and Recovery Act (RCRA). These amendments established numerous new requirements and deadlines for hazardous waste handlers. Specifically, HSWA required all hazardous waste land disposal facilities to meet certain requirements to maintain interim status for operation. (Facilities that treat, store, or dispose of hazardous waste were required to be in existence prior to November 19, 1980, and submit timely notifications and Part A permit applications, in order to have interim status. Interim status remains in effect until a final determination to either issue or deny the permit is made, but may also be terminated by the Agency without a permit determination.) All land disposal facilities were required to submit Part B of their permit application, and a certification of compliance with applicable groundwater monitoring and financial responsibility requirements of RCRA, by November 8, 1985. Those land disposal facilities that failed to submit the Part B permit application and the compliance certification were required to cease operation as of November 8, 1985, and submit a closure plan within 15 days (November 23, 1985).

Conservation Chemical Corp. of Illinois (CCCI) operates a hazardous waste facility located at 6500 Industrial Highway, Gary, Indiana. The site consists of a four-acre area with numerous storage tanks, outdoor container storage, four surface impoundments, and a main office and plant building, where spent pickle liquor is recycled into ferric chloride. Since November 19, 1980, CCCI has treated, stored, and disposed of hazardous wastes including, but not limited to, spent pickle liquor, cyanide, solvents, and heavy metal bearing sludges. This facility is considered a land disposal facility because the surface impoundments on site contain hazardous wastes. The CCCI Gary site was the subject of a Superfund emergency response action in 1985, in which several tanks were emptied of their contents, including cyanide, solvents, and PCB-contaminated waste oil.

On January 6, 1986, the U.S. Attorney filed a suit on behalf of U.S. EPA in the U.S. District Court in Hammond, naming CCCI and Norman B. Hjersted, President and principal stockholder of CCCI. The complaint cites a long history of RCRA violations and CCCI's failure to comply with the law by November 8, 1985; and requires CCCI to cease operations and close according to RCRA standards. Although CCCI had previously submitted its Part B permit application to U.S. EPA, it did not certify compliance by November 8, 1985. The interim status standards cited in the complaint include: failure to meet financial responsibility requirements; failure to install and implement a groundwater monitoring system; failure to submit a complete closure plan; insufficient surface impoundment freeboard and lack of protective cover on dikes; and, failure to meet self-inspection, reporting, and security requirements. Based on information provided by Mr. Hjersted, CCCI ceased operations on or about December 21, 1985.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)

)
Conservation Chemical Company)
of Illinois, and)
A.B. Dick Co., Apollo Metals, Inc.,)
K.A. Steel Chemicals, Inc., Inter-)
lake Steel Division of Gary Steel,)
Bethlehem Steel Corp, LaSalle Steel)
Co., Chicago Steel & Pickling Co.,)
Republic Steel Corp. of Chicago)
and Cleveland, Jones & Laughlin)
Steel Co., Teletype Corp., American)
Chain & Cables Co. Inc., Schwinn)
Bicycle Co., Western Electric Co.,)
Amerock Corp., Frantz Manufacturing)
Co., Illinois Tool Works-Shakeproof)
Div., Approved Industrial Removal,)
and Jones Chemical, Inc.,)
Respondents.)

ADMINISTRATIVE ORDER
PURSUANT TO SECTION 106
OF THE COMPREHENSIVE
ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY
ACT OF 1980

Docket No.

Proceeding under Section 106(a) of the Comprehensive Environmental Response,
Compensation and Liability Act of 1980, 42 U.S.C. §9606(a).

PREAMBLE

The following Administrative Order is issued on this date to Conservation Chemical Company of Illinois; A.B. Dick Co.; Apollo Metals, Inc.; K.A. Steel Chemicals; Interlake Steel Division of Gary Steel; Bethlehem Steel Corp.; LaSalle Steel Co.; Chicago Steel & Pickling Co.; Republic Steel Corp. of Chicago and Cleveland; Jones & Laughlin Steel Co.; Teletype Corp.; American Chain & Cables Co., Inc.; Schwinn Bicycle Co.; Western Electric Co.; Amerock Corp.; Frantz Manufacturing Co.; Illinois Tool Works-Shakeproof Div.; Approved Industrial Removal; and Jones Chemical, Inc., pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), and delegated to the United States Environmental Protection Agency (U.S. EPA) by Executive Order No. 12316, August 26, 1981, 46 Federal Register 42237, and redelegated to the Regional Administrator by Delegation 14-14 issued April 1, 1983. Notice of issuance of this order has been given to the State of Indiana.

This Administrative Order requires the Respondents to undertake emergency removal activities at the facility described below in Paragraph 1 of the Determinations and Findings of this Administrative Order, to abate an imminent and substantial endangerment arising from the improper storage of hazardous waste and the presence of contaminated liquids and soil in the vicinity of tanks and drums on the facility.

DETERMINATIONS AND FINDINGS

1. The Conservation Chemical Co. of Illinois facility is located at 6500 Industrial Highway, Gary, Indiana. The facility is sited directly adjacent to the threshold of the Gary Municipal Airport's main runway. Hazardous substances, as defined in Section 101(14) of CERCLA, 42 U.S.C.

§9601(14), have been deposited, stored, disposed of, placed and/or located at this location, which constitutes a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. §9601(9), and shall hereinafter be referred to as the "facility". The hazardous substances located at the facility include, but are not limited to, hydrochloric and sulfuric acid; cyanide-bearing liquids; oils, tars and sludges contaminated with polychlorinated biphenyls (PCB); silica tetrachloride; and water and soils contaminated with or mixed with the above.

2. Conservation Chemical Company of Illinois has been identified as the owner of the facility, within the meaning of Section 101(20) of CERCLA, 42 U.S.C. §9601(20).
3. Investigations have been conducted by the U.S. EPA, Conservation Chemical Company, and the Gary Airport Authority into the kinds of materials and their conditions of storage or disposal at the Conservation Chemical Company facility. Presently on-site are 13 tanks containing cyanide wastes up to 19,000 ppm free cyanide, totalling at least 184,531 gallons. Also on-site are at least five tanks containing acid materials, predominantly hydrochloric and sulfuric acid. These materials are all present in tanks which are severely corroded, many of which show evidence of past and present leakage.
4. Soils and ponded water on the site have been tested and found to have low-pH values. Cyanide has been detected in groundwater under the site. Discharges from the cyanide tanks now on-site would flow to the low pH soil and ponded areas. Contact between cyanide materials and low-pH materials can release substantial quantities of hydrogen cyanide (HCN) gas, a poison. Cyanide discharges onto the ground may result in further contamination of groundwater and soils on and off the facility.
5. At least two tanks, containing an estimated 495,850 gallons of materials contaminated with PCB at up to 1200 parts per million (ppm) have been identified on the facility. The PCB-contaminated materials have leaked and are continuing to leak from at least one of the tanks. Leakage of this material may result in further air, groundwater, environmental, and/or health problems due to contact with or ingestion of PCB, a hazardous substance, by humans and wildlife.
6. At least one of the tanks has been identified as being surrounded by a pool or ponded area containing a mixture of hazardous substances, including, and not being limited to, hydrochloric and sulfuric acids, and PCB. Because these materials have been commingled into an indivisible mixture, all responsible parties are responsible for the amelioration of the releases and threats of releases of these hazardous substances.
7. On February 8, 1985, duly authorized representatives of U.S. EPA, the Technical Assistance Team (TAT), accompanied by a representative of U.S. EPA, conducted an inspection of the facility. Approximately 264 drums were found at the facility, of which 154 are presently full. Records prepared by Conservation Chemical Company indicate the contents to include such hazardous substances as acid, paint-related wastes, cyanide-related wastes, "lab packs" and others.

8. Presently located on the property is a tank separate from those referenced above containing silica tetrachloride. This material reacts violently with water to form gaseous hydrogen chloride (HCL or hydrochloric acid), an extremely caustic substance. Given the conditions of storage at the facility, there is a substantial threat that this material may come into contact with water and cause a release of HCL, posing thereby an imminent and substantial endangerment to human health and welfare and to the environment.
9. Based on information obtained from records of Conservation Chemical Company, each of the non-owner Respondents is responsible for the delivery to and presence of the cyanide and/or acid materials discovered at the facility.
10. Based on information obtained from its own records, Respondent Conservation Chemical Company is responsible for the PCB-contaminated materials discovered on the facility, except that as to materials that have leaked from tanks, drums and other containers on the facility, each of the Respondents is responsible for removal and proper disposal of soils contaminated by such materials. Respondent Conservation Chemical Company is likewise responsible for removal and proper disposal of the drums of material currently stored at the facility, and for the silica tetrachloride.
11. All cyanide, acid, PCB-contaminated and other materials now on-site and referred to in this Order pose an imminent and substantial endangerment to health, welfare and the environment due to the substantial likelihood of further releases of these substances from their present deteriorated containers.
10. The hazardous substances present at the facility and referred to in this Order have been deposited, stored, disposed of, placed or located in such a manner that there may be an imminent and substantial endangerment to public health or welfare or the environment due to the actual and threatened release of said hazardous substances from the facility into the soil, groundwater and other parts of the environment. Persons located on or near the facility are threatened by the presence of hazardous substances, including direct skin contact with PCB, which has been demonstrated to interfere with liver functions and to cause chloracne, a skin disease, and is implicated as a potential teratogenic agent; cyanide compounds, which are readily absorbed either by inhalation or skin contact and which are central nervous system depressants that can cause dizziness, unconsciousness and death; and acids, including both hydrochloric and sulfuric acids, which are extremely caustic and can damage both surface tissues and the respiratory tract if present in vapor or liquid form. The releases and threatened releases of the hazardous substances now located on the facility may cause or result in emissions, including HCN, caustic vapors or mists and inhalation of volatilized PCB. The creation and release of hazardous and poisonous fumes and gases from the facility may endanger both personnel working at the facility and persons off the facility at the airport or on nearby roads. The leaking or discharge of hazardous substances onto the ground of the facility presents a significant threat of contamination to groundwater. Via the

many routes of exposure, the hazardous substances at the facility may cause illness, disease or other harmful effects, and possibly death, to plants, animals, and humans.

11. In order to protect health and welfare and the environment, it is necessary that actions be taken to contain and abate the actual or threatened releases of hazardous substances from the facility into the environment, and to limit and control access to the facility.

ORDER

Based upon the foregoing Determinations and Findings, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606(a), it is hereby Ordered that the following actions be undertaken at the facility:

1. Within five (5) days after the effective date of this Administrative Order, Respondents shall develop and submit a site safety and health plan to U.S. EPA representatives. The site safety and health plan shall be in accordance with the guidance for Occupational Safety and Health Standards, 40 CFR §1910. After approval of the site safety and health plan by the On-Scene Coordinator, Respondents shall implement the plan during all phases of activity at the facility. Failure of the Respondents to properly implement all aspects of the site safety and health plan shall be deemed to be a violation of the terms of this Administrative Order.
2. Within five (5) days after approval of the site safety plan referred to in paragraph 1 above, Respondents shall construct a fence around the facility that is sufficient to deter entry of, and control access by, unauthorized persons at the facility. Such fence shall be erected in accordance with a plan approved by the On-Scene Coordinator.
3. Within twenty (20) days after the effective date of this Administrative Order, Respondents shall remove all materials for which they are responsible, as set forth above in the Determinations and Findings, from the facility, and dispose of said materials at a U.S. EPA approved disposal facility. All drums shall be staged, and any leaking drums shall be overpacked prior to removal from the facility. Also, prior to any removal, Respondents shall undertake any sampling and analysis necessary to determine the characteristics of wastes to be removed. All materials shall be disposed of in a manner consistent with Sections 3002, 3003 and 3004 of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. §6922, 6923, and 6924, and the Toxic Substances Control Act, 15 U.S.C. §2601 et seq., and all other appropriate Federal, State and local requirements.
4. Within thirty (30) days after the effective date of this Administrative Order, Respondents shall remove soil from all visibly contaminated areas of the facility. The areas of soil removal, and the width and depth of removal shall be determined in consultation with representatives of U.S. EPA. Contaminated soil shall be disposed of in a manner consistent with Sections 3002, 3003, and 3004 of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. §§6922, 6923 and 6924, the Toxic Substances Control Act, 15 U.S.C. §2601 et seq., and all other appropriate Federal, State and local requirements.

5. Respondents shall be subject to the directions of the On-Scene Coordinator (OSC) appointed to oversee operations at this facility, consistent with the National Contingency Plan, 40 CFR Part 300. Instructions of the OSC shall be binding upon the Respondents and shall be deemed a part of this Administrative Order.
6. Respondents shall provide access to the facility to U.S. EPA employees, contractors, agents, and consultants, as well as to representatives of the Indiana State Board of Health, at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, take samples, and to conduct other activities which U.S. EPA determines to be necessary.
7. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Administrative Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities, pursuant to CERCLA, 42 U.S.C. §9601, et seq., or any other applicable law.
8. The provisions of this Administrative Order shall be binding on employees, agents, successors, and assignees of the parties.
9. This Administrative Order shall be effective on the fifth (5th) calendar day following issuance, unless a conference is requested as herein after provided. If a conference is requested, this Administrative Order shall be effective on the third (3rd) calendar day following the day of the conference, unless modified by the Regional Administrator.
10. On or before the effective date of this Administrative Order, Respondents shall provide notice in writing to U.S. EPA stating their intention to comply with the terms hereof. In the event any Respondent fails to provide such notice, said Respondents shall be deemed not to have complied with the terms of this Administrative Order.
11. All notices and reports submitted under the terms of this Administrative Order shall be sent by certified mail, return receipt requested, and addressed to the following:

Jonathan McPhee
Assistant Regional Counsel
U.S. EPA, Region V
230 So. Dearborn Street
Chicago, Illinois 60604

ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Determinations and Findings is available for review on weekdays between the hours of 8:00 a.m. and 5:00 p.m., in the Office of Regional Counsel, 15th Floor, United States Environ-

mental Protection Agency, Region V, 230 South Dearborn Street, Chicago Illinois 60604. Please contact Mr. McPhee, Assistant Regional Counsel, at (312) 886-5348, if you desire to review the Administrative Record. .

OPPORTUNITY TO CONFER

With respect to the actions required above, you may, within three (3) calendar days after issuance of this Administrative Order, request a conference with U.S. EPA to discuss this Administrative Order and its applicability to you. Any such conference shall be held within five (5) calendar days from the date of request. At any conference held pursuant to your request, you may appear in person and by an attorney or other representative. If you desire such a conference, please contact Jonathan McPhee, Assistant Regional Counsel, at (312) 886-5348.

Any comments which you may have regarding this Administrative Order, its applicability to you, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which you are ordered to take, or any other relevant and material issue, must be reduced to writing and submitted to U.S. EPA within three (3) calendar days following the conference, or if no conference is requested, within five (5) calendar days following the issuance of this Administrative Order.

Any such writing should be sent to Jonathan McPhee, Assistant Regional Counsel, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

You are hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment; and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.C. 9670(a) for the costs of those government actions.

PENALTIES FOR NONCOMPLIANCE

Respondents are advised, pursuant to Section 106(b) of CERCLA, 42 U.S.C. §9606(b), that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject Respondent to a civil penalty of not more than \$5,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Administrative Order, or any portion thereof, without sufficient cause may also subject Respondents to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of Respondents' failure to take proper action, pursuant to Section 107(c) (3) of CERCLA, 42 U.S.C. 9607(c) (3).

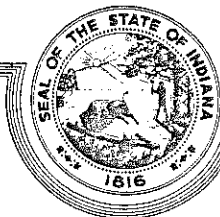
Witness my hand in the City
of Chicago, State of Illinois,
on this 27th day of
Sept., 1985

by:



Valdas V. Adamkus
Regional Administrator
United States Environmental
Protection Agency
Region V

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

VIA CERTIFIED MAIL

Mr. Norman Hjersted
5201 Johnson Drive
Mission, KS 66205

Dear Mr. Hjersted:

Re: Conservation Chemical Company
Cause No. N-264

You are hereby notified that the informal settlement conference in the above-regarded Cause has been scheduled for October 23, 1985, at 10 a.m., E.S.T., at the office of the Division of Land Pollution Control (Division), 5500 West Bradbury Avenue, Indianapolis, Indiana. This conference has been scheduled at your request for the purpose of settling the claims arising out of the above-regarded Cause.

The conference will be attended by representatives of the Division and the Office of the Attorney General. The Division is hopeful that this conference will result in the formulation of an Agreed Order that can be presented to the Board for approval. Please be prepared to negotiate a final agreement at the time of the conference. The entry into an Agreed Order at the time of the conference can result in significant savings of time and money for both parties.

I hope that the date and time set out above is convenient for you. If not, please contact Mr. Dennis Zawodni at AC 317/243-5051 immediately to set up another time. If you fail to attend this conference, we will assume that you are not interested in settlement and we will proceed immediately following the scheduled time to obtain a Final Order from the Board.

Very truly yours,

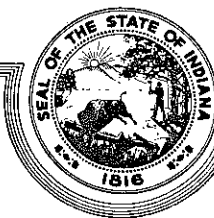
Thomas Russell

Thomas Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Division of Land Pollution Control

DMZ/sk

cc: Ms. Ann Scholl-Long, Deputy Attorney General
Mr. Don Grimmett, Conservation Chemical
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Ted Warner

STATE OF INDIANA



3

INDIANAPOLIS 46206-1964

ENVIRONMENTAL MANAGEMENT BOARD

1330 West Michigan Street
P. O. Box 1964

VIA CERTIFIED MAIL

STATE OF INDIANA)
COUNTY OF MARION)

SS:

BEFORE THE ENVIRONMENTAL MANAGEMENT
BOARD OF THE STATE OF INDIANA

IND 040888992

IN THE MATTER OF THE ENVIRONMENTAL
MANAGEMENT BOARD OF THE STATE OF
INDIANA,

Complainant

vs.

CONSERVATION CHEMICAL COMPANY
OF ILLINOIS

Respondent

CAUSE NO. 1-264

RECEIVED
AUG 23 1985

U.S. EPA. REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT BRANCH

COMPLAINT, NOTICE OF OPPORTUNITY FOR HEARING,
AND PROPOSED FINAL ORDER

TO: Mr. Norman V. Hjersted, President
Conservation Chemical Company
of Illinois
5201 Johnson Drive, Suite 400
Mission, KS 66205

C.T. Corporation
Resident Agent for
Conservation Chemical Company
of Illinois
One North Capitol
Indianapolis, IN 46204

This is a Complaint, Notice of Opportunity for Hearing, and Proposed Final Order under IC 13-7-11 of the Indiana Environmental Management Act and IC 4-22-1, the Indiana Administrative Adjudication Act. The Complainant is the Technical Secretary of the Indiana Environmental Management Board (Board). The Respondent is Conservation Chemical Company of Illinois (Conservation Chemical), a Company authorized to do business in Indiana, which operates a place of business at Gary, Indiana. Respondent's EPA I.D. number is IND 040888992.

Pursuant to IC 13-7-11 and based on an investigation of the facility conducted on March 25, 1985, by Mr. Ted Warner of the Division of Land Pollution Control (Division), Indiana State Board of Health, it has been determined that the Respondent is in violation of the Indiana Hazardous Waste Management Program, IC 13-7, and 320 IAC 4.

Findings

This determination is based on the following Findings:

1. Conservation Chemical submitted to the U.S. Environmental Protection Agency (EPA) a notification of hazardous waste activity on August 18, 1980, and subsequently submitted a Part A permit application to U.S. EPA to achieve interim status as a hazardous waste treatment, storage, and disposal facility. Respondent further submitted a State Part A permit application on March 23, 1982.
2. An inspection of Conservation Chemical was conducted on March 25, 1985, by the Division to determine compliance with applicable hazardous waste statutes and associated rules. The following violations were discovered at that inspection and subsequent record reviews:
 - a. Pursuant to 320 IAC 4-6 (40 CFR 265.15(d)), the owner or operator shall record inspections in an inspection log. Based on information gathered by the Division, Respondent has not recorded daily inspections of the areas subject to spills in an inspection log.
 - b. Pursuant to 320 IAC 4-6 (40 CFR 265.52(e)), the Contingency Plan shall include a list of all emergency equipment at the facility, location of equipment, physical description of each item on the list, and a brief outline of its capabilities. Based on information gathered by the Division, Respondent has not included a brief outline of the capabilities of all emergency equipment in the Contingency Plan.
 - c. Pursuant to 320 IAC 4-6 (40 CFR 265.73(b)(1)), the operating record shall contain a description and the quantity of each hazardous waste received and the method(s) and date(s) of each waste's treatment, storage, or disposal at the facility as required by Appendix I of 40 CFR 265. Based on information gathered by the Division, Respondent has not provided a description and the quantity of each hazardous waste received and the method(s) and date(s) of each waste's treatment, storage, or disposal at the facility as required by Appendix I in operating record.

- d. Pursuant to 320 IAC 4-6 (40 CFR 265.14(b)), security measures shall include 24-hour surveillance or an artificial or natural barrier around the facility with a means to control entry. Based on information gathered by the Division, Respondent has not provided security measures which include 24-hour surveillance or an artificial or natural barrier around the facility with a means to control entry. There is no controlled entry at the facility and the fence is in bad repair.
- e. Pursuant to 320 IAC 4-6 (40 CFR 265.31), the owner or operator shall manage hazardous wastes to prevent fire, explosion, or release of hazardous waste or hazardous waste constituents on premises which could threaten human health or the environment. Based on information gathered by the Division, there is evidence of the release of hazardous waste or hazardous waste constituents on premises which could threaten human health or the environment. This release occurred when the surface impoundments were allowed to overflow.
- f. Pursuant to IC 13-7-4-1(c), no person shall deposit any contaminants upon the land in such place and manner which creates, or which would create a pollution hazard. Based on information gathered by the Division, Respondent has deposited contaminants upon the land. This deposition is a result of the overflow of the surface impoundment, and the spillage from tank number 19 which is leaking, and the spillage which has occurred in the general operating area.
- g. Pursuant to 320 IAC 4-6 (40 CFR 265.56(b)), whenever there is a release of hazardous waste, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials. Based on information gathered by the Division, Respondent has not identified the spilled material at the facility.
- h. Pursuant to 320 IAC 4-6 (40 CFR 265.222), a minimum of 60 cm. (two feet) of freeboard shall be maintained in the surface impoundment. Based on the information gathered by the Division, Respondent has not maintained a minimum of 60 cm. (two feet) of freeboard in the hazardous waste surface impoundment.
- i. Pursuant to 320 IAC 4-6 (40 CFR 265.223), earthen dikes shall have a protective cover. Based on information gathered by the Division, Respondent has not provided a protective cover for earthen dikes at the surface impoundments.

- j. Pursuant to 320 IAC 4-6 (40 CFR 265.90), the owner or operator of a surface impoundment which is used to manage hazardous waste must implement a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility. Based on information gathered by the Division, Respondent has not implemented a groundwater monitoring program for the surface impoundments.

Proposed Final Order

The Complainant hereby proposes the following as the Final Order to be adopted by the Board:

1. Within seven (7) days of receipt of notice of the Board's Final Order, Respondent shall document the daily inspections of areas subject to spills, such as loading and unloading areas.
2. Within twenty (20) days of receipt of notice of the Board's Final Order, Respondent shall revise the Contingency Plan to include a brief outline of the capabilities of all emergency equipment listed in the Contingency Plan.
3. Within twenty (20) days of receipt of notice of the Board's Final Order, Respondent shall revise the operating record to include the codes in Appendix I of 40 CFR 265.
4. Within seven (7) days of receipt of notice of the Board's Final Order, Respondent shall provide an artificial barrier in good repair and a means to control entry through the gates at all times and maintain compliance with 40 CFR 265.14(b).
5. Within twenty (20) days of receipt of notice of the Board's Final Order, Respondent shall maintain a minimum of 60 cm. (two feet) of freeboard in the surface impoundment.
6. Within forty-five (45) days of receipt of notice of the Board's Final Order, Respondent shall provide a protective cover for earthen dikes around the surface impoundment.
7. Within thirty (30) days of receipt of notice of the Board's Final Order, Respondent shall submit to the Division a sampling and analysis plan. The purpose of the plan shall be to assess the degree and extent of contamination of the soil and any impact on the groundwater or adjacent surface waterways.

- a. This plan must address all areas of the facility where any contaminants have been spilled, deposited, buried, or otherwise disposed of on the property, including but not limited to:
 - (1) The area surrounding the surface impoundment where the overflow has discharged;
 - (2) the spillage that has occurred as a result of the leak in tank number 19; and
 - (3) the locations in the general operating area where there is evidence of spillage.
 - b. The sampling and analysis plan must clearly define all sampling and analytical protocol and include a time frame for implementation of the plans. (Copy of sampling and analysis guidelines enclosed.)
8. Within ten (10) days of notice of approval of the sampling and analysis plan by the Division, Respondent shall implement the plan as approved and in accordance with the time frames contained therein.
 9. Within thirty (30) days of completion of the analyses, Respondent shall submit a cleanup plan to the Division based upon the results of the analyses. The cleanup plan must address all areas determined by the analyses to be contaminated and shall include a time frame for implementation of the cleanup plan.
 10. Within ten (10) days of notice of approval by the Division, Respondent shall implement the cleanup plan as approved and in accordance with the time frames contained therein.
 11. Within fifteen (15) days of receipt of notice of the Board's Final Order, Respondent shall submit certification by an independent Registered Professional Engineer that the cleanup has been completed as outlined in the approved plan.
 12. Within sixty (60) days of receipt of notice of the Board's Final Order, Respondent shall submit a groundwater monitoring plan to the Division for approval. The plan must address all surface impoundments and adhere to the requirements of 320 IAC 4-6-1 (40 CFR 265, Subpart F). Specific items that must be included in the plan submitted are:

- a. Hydrogeologic study as outlined in the enclosure (hydrogeologic investigation to include the proposed monitoring well network);
 - b. sampling and analysis plan;
 - c. groundwater assessment outline; and
 - d. a time frame for implementation of the plan.
13. Within ten (10) days of receipt of notice of the Division's approval of the plan, Respondent shall implement the groundwater monitoring plan as approved and in accordance with the time frames contained therein.
 14. Within fifteen (15) days of installation of the groundwater monitoring wells, Respondent shall conduct the first quarter groundwater sampling.
 15. Within thirty (30) days of receipt of the Board's Final Order, Respondent shall pay to the Environmental Management Special Fund, as a civil penalty for the above violations, the sum of \$71,883. The penalty consists of the following:
 - a. For violation of IC 13-7-4-1(c) and 320 IAC 4-6 (40 CFR 265.31), the sum of \$9,500.
 - b. For violation of 320 IAC 4-6 (40 CFR 265.90), the sum of _____ \$62,383. _____
 16. In addition to the civil penalty imposed above for violations existing at the time of issuance of this Complaint, the Respondent shall pay an additional civil penalty of \$250 per day for each day of noncompliance with the time limits established pursuant to this Order.

The Complainant recommends that the Respondent begin action immediately to comply with the above Proposed Final Order pending final administrative adjudication of this matter. While such action will not result in mitigation of the civil penalty, as proposed, compliance may prevent the imposition of additional penalties for continued violations.

The Board is authorized to assess civil penalties of up to \$25,000 per day for each violation pursuant to IC 13-7-13-1. Therefore, the civil penalty proposed above, if any, which was based upon the factual circumstances existing prior to issuance of this Complaint, is subject to revision prior to the hearing based upon continued violations.

Notice of Opportunity for Hearing

The Respondent is hereby notified, pursuant to IC 4-22-1-23, and IC 13-7-11, that the foregoing Proposed Final Order will be recommended to the Board for adoption as its Final Order at its next regularly scheduled meeting, unless the Respondent files with the Hearing Officer, within twenty (20) working days of receipt of this Complaint, a written answer to the above Findings and/or objections to the imposition of the Proposed Final Order. The written denial of any material fact contained therein or the raising of any written objection will be considered a request for a hearing.

The Respondent's answer or objections should clearly and directly admit, deny, or explain each of the factual allegations set out in the Findings of which it has knowledge. Failure to respond to any factual allegations will be deemed an admission of the truth of the allegation. Said answer should contain:

1. A response to each allegation in the Findings; and
2. a definite statement of the facts which constitute the grounds of defense and/or basis for objection.

The Hearing Officer appointed by the Board, with whom the answer or other pleading should be filed and who will hold the hearing, if requested, is:

Mr. James M. Garrettson, Hearing Officer
Indiana Environmental Management Board
1330 West Michigan Street
Indianapolis, Indiana 46206
AC 317/243-5049

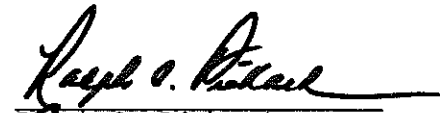
Copies of all pleadings or other papers filed with the Hearing Officer should be served upon all other parties or their attorney, including the Attorney General of Indiana. The Respondent is entitled to be represented by an attorney, to subpoena witnesses, and present testimony on its behalf at any hearing held as a result of this Complaint. Written appearance of counsel should be promptly filed and may be taken into consideration in the granting of continuances.

Informal Settlement Conference

Whether or not Respondent requests a hearing, pursuant to IC 4-22-1-4, Respondent may confer informally with the Division and a representative of the Attorney General's Office concerning the allegations or requested relief set out in this Complaint. Respondent

may request an informal settlement conference at any time by contacting Mr. Dennis Zawodni of the Division at AC 317/243-5051. However, any such request will not affect the twenty (20) day time limit for responding to this Complaint.

Dated at Indianapolis, Indiana, this 20th day of AUGUST, 1985.


Ralph C. Pickard
Technical Secretary

DMZ/tr

Enclosure

cc: Mr. James M. Garrettson, Hearing Officer
Office of the Attorney General
Attn: Ms. Deborah Albright
Ms. Sally Swanson, U.S. EPA, Region V
Lake County Health Department
Mr. Verl Myers
Mr. Thomas Russell
Mr. Ted Warner
Mr. Noel Anderson

TSD RCRA Inspection Report

EPA Identification Number: 1 N D 0 4 0 8 8 8 9 9 2

Installation Name: Conservation Chemical Company

Location Address: 6500 Industrial Highway

City: _____ ZIP: _____

Date of Inspection: 3/25/85 Time of Inspection 11:15 A - 1:30 P

Person(s) interviewed *

Title

Telephone

James C. Poisel

Plant Manager

219/949-8229

Inspector(s)

Agency

Telephone

Ted F. Warner

ISBH

317/243-5111

* Please identify correspondence contact

Installation Processes by Process Code (EPA Form 3510-3)

S01 ☒ Container storage

S02 ☒ Tank storage

S03 ☒ Waste Pile storage

S04 ☐ Surface impoundment storage

D79 ☐ Injection well disposal

D80 ☐ Landfill disposal

D81 ☐ Land Application disposal

D83 ☐ Surface Impoundment disposal

T01 ☒ Tank Treatment

T02 ☐ Surface Impoundment treatment

T03 ☐ Incinerator treatment

T04 ☐ Other

If Part A process codes are listed above as T04 please describe the process involved below.

Other activities

Generator ☐

Appendix GN

Transporter ☒

Appendix TR

1. Indicate any hazardous waste processes, by process code, which have been omitted from Part A of the facility's permit application.
2. Indicate any hazardous waste processes (by process code and line number on EPA Form 3510-3 page 1 of 5) which appear to be eligible for exclusion per 40 CFR 265.1(c). Provide a brief rationale for the possible exclusion.

1. Verify EPA I.D. No. IND 040888992

2. Type of Facility (G, T, TSD) based on inspection T/TSD

3. Type of Operation, Products Manufactured, Processes Utilized,
Size of Operation. Concentrate on processes that produce waste
(hazardous or non-hazardous)!

The company's present operation consists of
the manufacturing of iron salts used as coagulants
in the treatment of both potable and waste waters.
Waste pickle liquor from steel industry is recycled for
this purpose.

4. Hazardous Waste
Streams/EPA #

Source

Rate

Disposition

This facility is not generating.

5. Exempted/Excluded Hazardous Waste Streams and Reason for Exemption

None

6. Hazardous Waste
On-Site

Amount

How Stored

Comments

24 drums

Container

Chlorinated solvent

4 drums

"

Acid + acid sludge D002

13 drums

"

Chromate + paint sludge

14 drums

"

Lab chemicals

7. Is the Annual Report Accurate? no (1983 report lists only (2) wastes)

8. List Transporters Used by the Company

Worthington Steel-OKW - By Products - Sch.

9. Non-Hazardous
Waste Streams

Source

Rate

Disposition

Can the Company Document Questionable Waste Streams are
Non-Hazardous as Claimed?

10. Note any non-RCRA Violations (Open Dumping, Dumping in City Sewer
Without Pretreatment Program, OSHA, etc.)

6) continued = 24 drums - container Oil + oil sludge
15 drums " Copper salt - copper chlorid
17 drums " Unknown dyes
8 drums " empty containers + H₂O

General Facility Standards (paperwork)

YES NO NI

1) Has the Regional Administrator/Environmental Management Board been notified regarding:

- | | | | | |
|----|--|-----|-----|------------|
| a. | Receipt of hazardous waste from a foreign source?
<u>40 CFR 265.12(a)</u> | ___ | ___ | <u>N/A</u> |
| b. | Facility expansion?
<u>40 CFR 270.72(b)</u> | ___ | ___ | <u>N/A</u> |
| c. | Change of owner or operator?
<u>40 CFR 265.12(b)</u> | ___ | ___ | <u>N/A</u> |
-
-
-

2) General Waste Analysis:

- | | | | | |
|----|---|----------|-----|-----|
| a. | Has the owner or operator obtained a detailed chemical and physical analysis of the waste?
<u>40 CFR 265.13(a)</u> | <u>X</u> | ___ | ___ |
| b. | Does the owner or operator have a detailed waste analysis plan on file at the facility?
<u>40 CFR 265.13(b)</u> | <u>X</u> | ___ | ___ |

Does the waste analysis plan contain:

- | | | | | |
|----|--|----------|----------|----------|
| 1. | parameters (and rationale for their choice) | <u>X</u> | ___ | ___ |
| 2. | test methods | <u>X</u> | ___ | ___ |
| 3. | sampling method for representative sample | <u>X</u> | ___ | ___ |
| 4. | frequency of analysis (and rationale) | <u>X</u> | ___ | ___ |
| 5. | off-site only: waste analysis from generators | ___ | <u>X</u> | ___ |
| 6. | Additional waste analysis needed (when a change in waste type or process occurs) | ___ | ___ | ___ |
| a. | <u>265.193 Tanks</u>
(see above) | <u>X</u> | <u>X</u> | ___ |
| b. | <u>265.225 Surface impoundment</u>
(same as above) | ___ | <u>X</u> | ___ |
| c. | <u>265.252 Waste Pile</u>
(same as above) | ___ | ___ | <u>X</u> |
| d. | <u>265.273 Land Treatment Facility</u>
(same as above) | ___ | ___ | <u>X</u> |
| e. | <u>265.341 Incinerators</u>
(same as above) | ___ | ___ | <u>X</u> |
| f. | <u>265.375 Thermal Treatment</u>
(same as above) | ___ | ___ | <u>X</u> |
| g. | <u>265.402 Chemical, Physical, Biological Treatment</u>
(same as above) | ___ | ___ | <u>X</u> |
-
-
-

YES NO NI

- c. Does the waste analysis plan specify procedures for inspection and analysis of each movement of hazardous waste from off-site?
40 CFR 265.13(c)

X — —

3) Owner or Operator Inspections:

- a. Does the owner or operator inspect the facility for deterioration, malfunctions, operator errors, and discharges of hazardous waste that may affect human health or the environment?
40 CFR 265.15(a)

X — —

- b. Does the owner or operator have an inspection schedule at the facility?
40 CFR 265.15(b)2

X — —

- c. If so, does the schedule address the inspection of the following items:
40 CFR 265.15(b)1

i. monitoring equipment?

X — —

ii. safety and emergency equipment?

X — —

iii. security devices (including fences)?

X — —

iv. operating and structural equipment (ie. dikes, pumps, etc.)?

X — —

v. type of problems to be looked for during the inspection (e.g. leaky fittings, defective pump, etc.)?

X — —

40 CFR 265.15(b)(2)

vi. inspection frequency (based upon the possible deterioration rate of the equipment)?

X — —

40 CFR 265.15(b)(4)

H.W. containers weekly, tanks also, fire extinguishers & safety equipment weekly

YES NO NI

vii. Must include:

- | | | | |
|--|----------|---|---|
| 1. Weekly container storage?
(See 265.174) | <u>X</u> | — | — |
| 2. Daily and Weekly Tank Storage?
(See 265.194) | <u>X</u> | — | — |
| 3. Daily freeboard and weekly dike inspection
for surface impoundments?
(See 265.226) | <u>X</u> | — | — |
| 4. Landfills, Thermal treatment, Chemical,
Physical, and Biological treatment should
be inspected as determined by deterioration
rate and daily at loading and unloading
areas (where spills are likely)
[See 265.15(b)(4)] | — | — | — |

d. Does Owner or Operator follow the written inspection
schedule as outlined?
265.15(b)(1) X — —

e. Are areas subject to spills inspected
daily when in use?
265.15(b)(4) X — — *
not documented

265.15 d - (e) violation

f. Does the owner or operator maintain an inspection
log or summary of owner or operator inspections?
40 CFR 265.15(d) X — —

g. Does the inspection log contain the following information:
40 CFR 265.15(d)

i. the date and time of the inspection? X — —

ii. the name of the inspector? X — —

iii. a notation of the observations made? X — —

iv. the date and nature of any repairs or remedial
actions? X — —

YES NO NI

4) Do personnel training records include:

- | | | | | |
|----|--|----------|-----|-----|
| a. | Job titles?
40 CFR 265.16(d)1 | <u>X</u> | ___ | ___ |
| b. | The name of the employees filling each job title?
40 CFR 265.16(d)(1) | <u>X</u> | ___ | ___ |
| c. | Job descriptions?
40 CFR 265.16(d)2 | <u>X</u> | ___ | ___ |
| d. | Description of training?
40 CFR 265.16(d)3 | <u>X</u> | ___ | ___ |
| e. | Records of training?
40 CFR 265.16(d)4 | <u>X</u> | ___ | ___ |
| f. | Did facility personnel receive the required training including: | | | |
| | i) classroom or on the job | <u>X</u> | ___ | ___ |
| | ii) within 6 months of hire | <u>X</u> | ___ | ___ |
| | iii) annual review of training? | <u>X</u> | ___ | ___ |
-
-
-

Preparedness and Prevention

YES NO NI

- 1) Has the owner or operator attempted to make arrangements with local authorities in case of an emergency at the facility?

40 CFR 265.37

X — —

CONTINGENCY PLAN AND EMERGENCY PROCEDURES

- 1) Does the Contingency Plan contain the following information:

a. The actions facility personnel must take to comply with 265.51 and 265.56 in response to fires, explosions, or any unplanned release of hazardous waste? (If the owner has a Spill Prevention, Control, and Countermeasures (SPCC) Plan, he needs only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part (as applicable).

X — —

b. Arrangements agreed by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services pursuant to 265.37?

X — —

c. Names, addresses, and phone numbers of all persons qualified to act as emergency coordinators?

X — —

d. A list of all emergency equipment at the facility which includes the location and physical description of each item on the list and a brief outline of its capabilities?

X — — *

40 CFR 265.52(e)

e. An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary? (This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.)

X — —

40 CFR 265.52(f)

- 2) Emergency Coordinator:

a. Is the facility Emergency Coordinator identified?

X — —

40 CFR 265.52(d)

b. Is coordinator familiar with all aspects of site operation and emergency procedures?

X — —

40 CFR 265.55

c. Does Emergency Coordinator have the authority to carry out the Contingency Plan?

X — —

40 CFR 265.55

YES NO NI

- 3) Are copies of the Contingency Plan available at the site and local emergency organizations?
40 CFR 265.53

✓ — —

4) Emergency Procedures

If an emergency situation has occurred at this facility, has the Emergency Coordinator followed the emergency procedures listed in 265.56?

X — —

4) note - Title of the facility is not known.
Emergency procedures are not known to emergency
response agencies.

MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING:

1) Use of Manifest System:

- a. Does the facility follow the procedures listed in 265.71 for processing each manifest? (Particularly sending a copy of the signed manifest back to the generator within 30 days after delivery.)

X — —

- b. Are records of past shipments retained for 3 years?
40 CFR 265.71(b)5

X — —

- 2) Does the owner or operator meet requirements regarding manifest discrepancies? (Off-site facilities only)
40 CFR 265.73(a)

— — N/A

	<u>YES</u>	<u>NO</u>	<u>NI</u>
3) Operating Record:			
a. Does owner or operator have a operating record? <u>40 CFR 265.73(a)</u>	<u>X</u>	___	___
b. Does the owner or operator maintain an operating record as required in <u>265.73</u> ?	<u>X</u>	___	___
c. Does the operating record contain the following information:			
i. The method(s) and date(s) of each waste's treatment, storage, or disposal as required in 40 CFR 265 Appendix I? <u>40 CFR 265.73(b)(1)</u>	___	<u>X</u>	___
ii. The location and quantity of each hazardous waste within the facility? (This information should be cross referenced to specific manifest number if the waste was accompanied by manifest.) <u>40 CFR 265.73(b)(2)</u>	<u>X</u>	___	___
iii. A map or diagram of each cell or disposal area showing the location and quantity of each hazardous waste? (This information should be cross referenced to specific manifest number, if accompanied by a manifest.) <u>40 CFR 265.73(b)(2)</u>	___	___	<u>N/A</u>
iv. Records and results of all waste analyses, trial tests, monitoring data, and operating inspections? <u>40 CFR 265.73(b)(3)(5)(6)</u>	<u>X</u>	___	___
v. Reports detailing all incidents that required implementation of the Contingency Plan? <u>40 CFR 265.73(b)(4)</u>	<u>X</u>	___	___
vi. All closure and post closure costs as applicable? <u>40 CFR 265.73(b)(7)</u>	<u>X</u>	___	___

3) c. i. appendix I codes not used

- 4) Unmanifested Waste Reports:
(applies only to Off-site facilities)
- | | <u>YES</u> | <u>NO</u> | <u>NI</u> |
|---|------------|-----------|------------|
| a. Has the facility accepted any hazardous waste from an off-site generator subject to 40 CFR 262.20 without a manifest or shipping paper?
40 CFR 265.76 | — | — | <u>N/A</u> |
| b. If "a" is yes, provide the identity of the source of the waste and a description of the quantity, type and date received for each unmanifested hazardous waste shipment. | | | |
| c. Has the facility submitted 8700-13B (unmanifested waste report)? | — | — | <u>N/A</u> |
-
-
-

6) Closure/Post-Closure:

- | | | | |
|---|----------|---|------------|
| a. Is the closure plan available for inspection?
<u>40 CFR 265.112(a)</u> | <u>X</u> | — | — |
| b. Is the post-closure plan available for inspection?
(for disposal facilities only)
<u>40 CFR 265.118(a)</u> | — | — | <u>N/A</u> |
| c. Have copies of the closure/post-closure plans been submitted as a part of State Part A permit application? | <u>X</u> | — | — |
-
-
-

YES NO NI

3) Testing and Maintenance of Emergency Equipment:

- a. Has the owner or operator established testing and maintenance procedures for emergency equipment?
40 CFR 265.33

X — —

- b. Is emergency equipment maintained in operable condition?
40 CFR 265.33

X — —

- 4) Has owner or operator provided immediate access to internal alarms? (If needed)
40 CFR 265.34(a)

X — —

- 5) Does the owner or operator maintain adequate aisle space for movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment? (This applies to access for this equipment to reach hazardous waste management areas)
40 CFR 265.35

X — —

3)a T.M. Somers Fire Equipment and Service

Use and Management of Containers

40 CFR 265 Subpart I

	<u>YES</u>	<u>NO</u>	<u>NI</u>
1) Are containers in good condition? <u>40 CFR 265.170</u>	<u>X</u>	—	—
2) Are containers compatible with waste in them? <u>40 CFR 265.172</u>	<u>X</u>	—	—
3) Are containers managed to prevent leaks? <u>40 CFR 265.173(b)</u>	<u>X</u>	—	—
4) Are containers stored closed? <u>40 CFR 265.173(d)</u>	<u>X</u>	—	—
5) Are ignitable and reactive wastes stored at least 15 meters (50 feet) from the property line? (Indicate if waste is ignitable or reactive). <u>40 CFR 265.176</u>	<u>X</u>	—	—
6) Are incompatible wastes stored in separate containers? (If not the provisions of 265.17(b) apply) <u>40 CFR 265.177(a)</u>	<u>X</u>	—	—
7) Are containers of incompatible waste separated or protected from each other by physical barriers or sufficient distance? <u>40 CFR 265.177(c)</u>	<u>X</u>	—	—
8) If required, are the following special requirements for ignitable, reactive, or incompatible wastes addressed? <u>40 CFR 265.17(a)</u>			
a. Special handling?	<u>X</u>	—	—
b. No Smoking signs?	<u>X</u>	—	—
c. Separation and protection from ignition sources?	<u>X</u>	—	—
9) Is there adequate aisle space for unobstructed movement? <u>40 CFR 265.35</u>	<u>X</u>	—	—

Tanks

40 CFR 265 Subpart J

- | | <u>YES</u> | <u>NO</u> | <u>NI</u> |
|---|------------|-----------|-----------|
| 1) Are tanks used to store only those wastes which will not cause corrosion, leakage or premature failure of the tank?
<u>40 CFR 265.192(b)</u> | — | <u>X</u> | — |
| 2) Do uncovered tanks have at least 60 cm (2 feet) of free-board, or dikes or other containment structures?
<u>40 CFR 265.192(c)</u> | <u>X</u> | <u>X</u> | — |
| 3) Do continuous feed systems have a waste-feed cut-off?
<u>40 CFR 265.192(d)</u> | <u>X</u> | — | — |
| 4) Are reactive & ignitable wastes in tanks protected or rendered nonreactive or non-ignitable?
Indicate if waste is ignitable or reactive. (If waste is rendered non-reactive or non-ignitable, see treatment requirements.)
<u>40 CFR 265.198</u> | — | — | <u>X</u> |
| 5) Has the owner or operator observed the National Fire Protection Associations buffer zone requirements for tanks containing ignitable or reactive wastes?
<u>40 CFR 265.198(b)</u> | — | — | — |

Tank capacity: _____ gallons

Tank diameter: _____ feet

Distance of tank from property line _____ feet

(See table 2-1 through 2-6 of NFPA's "Flammable and Combustible Liquids Code -1977" to determine compliance.)

- 6) If required, are the following special requirements for ignitable, reactive, or incompatible wastes addressed?
40 CFR 265.17(a)

a. Special handling?

b. No Smoking signs?

c. Separation and protection from ignition sources?

1) Tanks have leaked contents onto the ground.

Surface Impoundments

40 CFR 265, Subpart K

- | | <u>YES</u> | <u>NO</u> | <u>NI</u> |
|---|------------|-----------|-----------|
| 1) Do surface impoundments have at least 60 cm (2 feet) or freeboard?
<u>40 CFR 265.222</u> | — | <u>X</u> | — |
| 2) Do earthen dikes have protective covers?
<u>40 CFR 265.223</u> | — | <u>X</u> | — |
| 3) Are reactive & ignitable wastes rendered non-reactive or non-ignitable before storage in a surface impoundment? (If waste is rendered non-reactive or non-ignitable, see treatment requirements.)
<u>40 CFR 265.229</u> | — | — | <u>X</u> |
| 4) Are incompatible wastes stored in difference impoundments? (If not, the provisions of 40 CFR 265.17(b) apply.)
<u>40 CFR 265.230</u> | — | — | <u>X</u> |
| 5) If required, are the following special requirements for ignitable, reactive, or incompatible wastes addressed?
<u>40 CFR 265.17(a)</u> | | | |
| a. Special handling? | — | — | <u>X</u> |
| b. No Smoking signs? | — | — | <u>X</u> |
| c. Separation and protection from ignition sources? | — | — | <u>X</u> |
| <hr/> | | | |
| <hr/> | | | |
| <hr/> | | | |

GROUNDWATER MONITORING

40 CFR Subpart F

Complete this section for facilities that treat, store, or dispose of hazardous waste in landfills, surface impoundments and/or by land treatment.

- | | <u>YES</u> | <u>NO</u> | <u>NI</u> |
|--|---------------|--------------|---------------|
| 1) Has the owner or operator of the facility implemented a groundwater monitoring system?
<u>40 CFR 265.90(a)</u> | <u> </u> | <u> X </u> | <u> </u> |
| 2) Has the owner or operator of the facility implemented an alternate groundwater monitoring system as described in <u>265.90(d)</u> ? | <u> </u> | <u> X </u> | <u> </u> |

Violation

Facility has 135 drums which contain hazardous waste:

24	recovery drums	contains solvent dirt F001-F002
14	55 gal. drums	contains lab chemicals
14	55 gal. drums	contains copper salt
6	55 gal. drums	contains paint sludge
23	55 gal. drums	contains lapping oil sludge
4	55 gal. drums	contains white crystal
1	55 gal. drum	contains herbicide
5	55 gal. drums	contains cobalt (red)
2	55 gal. drums	contains green orange black sludge
1	55 gal. drum	contains copper chloride
8	55 gal. drums	contains chrome liquid sludge-D007
4	55 gal. drums	contains - unknown
1	55 gal. drum	contains iron salt
1	55 gal. drum	contains solvent F001-F002
4	55 gal. drums	contains waste acid D002
2	55 gal. drums	contains water
3	Large black containers	empty
1	55 gal. drum	contains tar
9	55 gal. drums	contains cyanide dirt and cyanide liquid
8	55 gal. drums	contains tiles

We are at present time, not accepting any hazardous waste in drums.

Facility has 50 tanks which store hazardous waste and finished products. 5 tanks (1A,3A,14,F-1 and F-2) holds finished products FeCl_3 ; 3 tanks (CB-2,CB-3, and CB-4) are process tanks. 5 tanks store pickle liquor - K062, they are R-3,R-30,12,F-3 and RR-1. Cyanide waste is stored in 16 tanks - F014 & F015. Tank numbers and analyses are in Section D-2. Waste acid is stored (D002) in (R-31, 20 and 16), 3 tanks. Chlorinated solvents (F001-F002) is stored in F-11,2,D-1,1-S,2-S and Con1 (6) tanks. Tanks 22 and 19 have No. 5 fuel oil, which is contaminated with PCB. Tank No. 5 has silica tetrachloride (D003). 6 tanks, T-11,41,R-38,17, 18 and 1 are empty and we are going to scrape those tanks.

WEEKLY TANK INSPECTION OF ACTIVE, WORKING TANKS

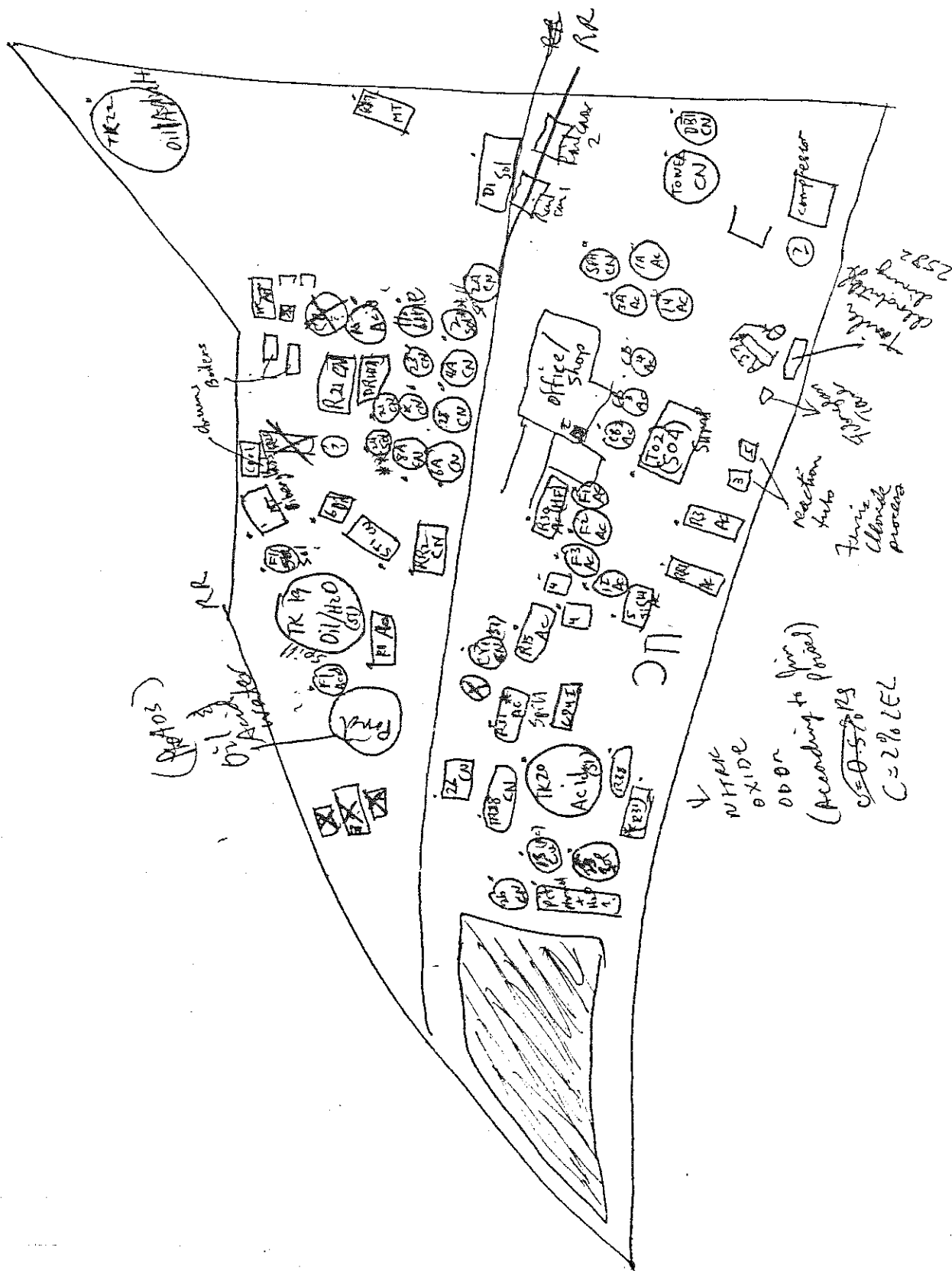
TANK #	PRODUCT	TANK CAPACITY	TANK QUANTITY
CB-2		16200	
CB-3		16200	
CB-4		14200	
3-A		21400	
R-3	FeCl ₂	10250	
R-33	FeCl₂	7420	
R-30	FeCl ₂	7000	
12	FeCl ₂	12200	
F-1		21000	
F-2		21000	
F-3	FeCl ₂	14,000	
RR-1	FeCl ₂	8500	
40	FeCl ₂	15,558	
40		15,558	
I	TOOL STORAGE		
17	PIPE STORAGE		

TANKS RECEIVING
HAZARDOUS WASTE

R. - Railroad

CB - low bottom

F - Fiberglass



Trail. 2583 1993

WITAC
OXIDE
OOR
(According to pipel)
C=0.57%
C=2% LEL

2582
Running
Cleaning
Tanks
4/10/84

DEC 02 1980

RECEIVED AND
RECORDED

514145

C. Deaver Vold,
Assistant Agent For
Conservation Chemical Corporation
2403 Pershing Road
Kansas City, Missouri 64600

Re: Findings of Violation and
Compliance Order
Conservation Chemical Corporation

Dear Mr. Vold:

Enclosed please find a Compliance Order which specifies this Agency's determination of certain violations by your company at the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 3301 et seq., based on an inspection of your facility at 5500 Industrial Highway, Gary, Indiana, on November 19, 1980. The Compliance Order states the reasons for such a determination, establishes a compliance schedule and assesses civil penalties which are collectible should you fail to meet the time specified in the Order for corrective action. This Compliance Order is issued pursuant to Section 3005 of RCRA (42 U.S.C. 3325).

Accompanying the Compliance Order is a notice of Opportunity for Hearing. Should you desire to contest the Compliance Order, a written request for a hearing is required 30 days from receipt of this Compliance Order.

If you have any question or desire to request an informal conference for purposes of settlement with Enforcement Division staff, please contact Mr. Jonathan L. Stone, Attorney, Enforcement Division, Water & Hazardous Materials Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604. Phone (312) 556-5721.

Very truly yours,

Samuel S. Gardeorin,
Director, Enforcement Division

Enclosures

cc: Dr/son
Fisher

Griggs/Schulteis/ACPhoe

Added in Enforcement

RECEIVED: 11/6-5732/11/20/80

RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

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RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

RECEIVED: 11/6-705/11/20/80

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

CONSERVATION CHEMICAL COMPANY
GARY, INDIANA
EPA ID No. INDO4088992

DOCKET NO. V-W-81-R-009
FINDINGS OF VIOLATION
AND
COMPLIANCE ORDER

Pursuant to 42 U.S.C. 6924(a), it has been determined that the above-named "person" is in violation of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended. Specifically, it has been determined that Conservation Chemical Company, at its facility at 6500 Industrial Highway, Gary, Indiana, is in violation of 42 U.S.C. 6925, Section 3004 of Subtitle C of RCRA and regulations adopted thereunder, specifically 40 CFR 122.22, 265.13 (a), (b) and (c), 265.14, 265.15, 265.16, 265.17, 265.32(c), 265.37, 265.51, 265.73, 265.250, 265.251 and 265.253. These violations were discovered during an inspection conducted by U.S. EPA personnel on November 19, 1980, at the facility described above.

FINDINGS

This determination is based upon the following findings of violation.

1. The facility handles, treats and stores hazardous waste as defined and numbered in 40 CFR 261.31 under designations F003, F005 and F007.

The facility is a hazardous waste generator, treatment and storage facility as defined by 40 CFR 260.19(a).

2. The owner/operator has not applied for a permit to store hazardous waste at this facility, as required by 40 CFR 122.22(a).

3. Pursuant to 40 CFR 265.13(a), the owner/operator must obtain a detailed chemical and physical analysis of waste treated or stored at the site.

The owner/operator is in violation in that no such analysis had been performed.

4. Pursuant to 40 CFR 265.13(b), the owner/operator must have on file at the facility a detailed written waste analysis system describing the procedures to be used to carry out the analysis called for under 40 CFR 265.13(a). The owner/operator is in violation in that no such plan was present at the site on the date of the inspection.
5. Pursuant to 40 CFR 265.13(c), the owner/operator must include in the plan required by 40 CFR 265.13(b) procedures for inspection and analysis of each movement of hazardous waste received at the facility. The owner/operator is in violation in that no such plan has been prepared.
6. Pursuant to 40 CFR 265.14, the owner/operator is to provide security against unknowing or unauthorized entry to the facility, by surveillance systems, fencing or natural barriers, controlled access and the posting of signs bearing the legend "Danger- Unauthorized Personnel Keep Out" at all entrances to active portions of the site. The owner/operator is in violation in that no such security has been provided at the facility.
7. Pursuant to 40 CFR 265.15, the owner/operator is to establish and maintain inspection records and schedules which detail records of malfunctions, operator errors and/or discharges, frequency-of-inspection schedules, lists of safety and emergency equipment, and logs to record each such inspection. The owner/operator is in violation in that no such records, schedules or logs were established or maintained on the date of the inspection.
8. Pursuant to 40 CFR 265.16, the owner/operator is required to establish and maintain records relating to the training of personnel involved in hazardous waste management, including a description of the job title for each position at the site, a written job description, a description of training and records detailing the training given to each such individual. The owner/operator is in violation in that no such records were established or maintained on the date of the inspection.

9. Pursuant to 40 CFR 265.17, the owner/operator is required to take precautions with respect to ignitable, reactive or incompatible wastes, by providing for special handling and "No Smoking" signs in appropriate areas. The owner/operator is in violation in that no such precautions had been taken at the time of the inspection.
10. Pursuant to 40 CFR 265.32(c), the owner/operator is required to have available at the facility spill control and decontamination equipment. The owner/operator is in violation in that no such equipment was available on the date of the inspection.
11. Pursuant to 40 CFR 265.37, the owner/operator is required to have made arrangements with local fire and police departments and other emergency authorities to facilitate response to emergencies at the facility. The owner/operator is in violation in that no such arrangements were made by the date of the inspection.
12. Pursuant to 40 CFR 265.51, each owner/operator must have prepared a contingency plan for dealing with emergencies at the facility. Since no such plan had been prepared, the owner/operator is in violation of each provision of 40 CFR 265.51.
13. Pursuant to 40 CER 265.73, the owner/operator is required to keep operating records concerning the hazardous waste operations carried out by the facility at the facility. The owner/operator is in violation in that the records thus required to be kept were not at the facility on the date of the inspection.

14. Pursuant to 40 CFR 265.250, 251 and 253, the owner/operator is required to take precautions with respect to waste piles on the facility, including covering to protect from the wind and control of leachate and runoff. The owner/operator is in violation in that no such precautions were taken at the site by the date of the inspection.

ORDER

It is hereby ordered that Conservation Chemical Company shall take the following corrective actions within the specified times for achieving compliance with Subtitle C of RCRA, Section 3005, 42 U.S.C. 6925 and the regulations adopted thereunder at 40 CFR 122.22, 265.13(a), (b) and (c), 265.14, 265.15, 265.16, 265.17, 265.32(c), 265.37, 265.51 265.73, 265.250, 265.251 and 265.253.

1. The owner/operator shall immediately cease accepting any hazardous waste for storage, treatment or disposal at this facility, since the facility does not qualify for interim status pursuant to RCRA Section 122.23(a). No additional hazardous waste should be received, treated or stored until such times as a permit is issued pursuant to 40 CFR Part 122.

2. The owner/operator shall submit to the Director, Enforcement Division, Region V, U.S. EPA, Attn: Compliance Section, at 230 S. Dearborn, Chicago, Illinois 60604, within 15 days of receipt of this Order a detailed written explanation of the steps to be taken to comply with this Order.

3. The owner/operator shall within 30 days of receipt of this Order, achieve compliance with the following requirements:

- (a) Obtain a detailed chemical and physical analysis of hazardous waste treated, stored, or disposed of at the facility.

- (b) Establish and maintain a written waste analysis procedure to be used in carrying out the analysis called for in subparagraph (a) above.
- (c) Establish and maintain written procedures for analysis and inspection of each movement of hazardous waste received at the facility.
- (d) Establish the security systems and arrangements required under 40 CFR 265.14.
- (e) Establish and maintain the record-keeping systems required under 265.15 relating to inspection, maintenance and operation of emergency and other equipment.
- (f) Establish and maintain records relating to training of personnel as required under 40 CFR 265.16 including but not limited to job descriptions and titles and description and recording of training given to facility personnel.
- (g) Install or institute and maintain equipment and procedures relating to ignitable, reactive or incompatible waste at the facility, as required by 40 CFR 265.17.
- (h) Obtain or install spill control and decontamination equipment complying with 40 CFR 265.32(c).
- (i) Make arrangements with local fire, police, and other emergency personnel to deal with emergencies at the facility, as required by 40 CFR 265.37.
- (j) Establish and maintain a contingency plan for the facility complying with the requirements of 40 CFR 265.51.
- (k) Establish and maintain operating records concerning the hazardous waste operations carried out at the facility as required by 40 CFR 265.73.
- (l) Establish and maintain the precautions with respect to waste piles on the facility required by 40 CFR 265.250, 251 and 253.

4. The owner/operator must notify U.S. EPA in writing upon achieving compliance with this Order.

5. A civil penalty of \$5000.00 is assessed for the violations set forth in Findings 2 through 14 above, pursuant to Section 3008(g) of RCRA, 42 U.S.C. 6928(g). An additional civil penalty of \$1000.00 is assessed for each day of noncompliance with the dates specified for taking corrective action, and achieving compliance as specified in this Order.

NOTICE OF OPPORTUNITY FOR HEARING

The above named person is hereby notified that the above Order shall become final unless said person has requested in writing a public hearing on the terms of this Order no later than 30 days from the date the Order is received. Please address any such request to the Director, Enforcement Division, Region V, United States Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604. Should a hearing be requested within the specified time, a public hearing will be promptly conducted.

Dated this 1st day of December, 1980.


John McGuire, Regional Administrator
U.S. Environmental Protection Agency
Region V